

EXHIBIT 6  
PASQUALICCHIO  
TRANSCRIPT

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February 29, 2024

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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KEVIN CAMPBELL,

Plaintiff,

-against- Docket No. 22CV7662

FEDERAL EXPRESS CORPORATION A/K/A  
FEDEX EXPRESS, AND ERIC WANDERS, INDIVIDUALLY,  
Defendants.

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EXAMINATION BEFORE TRIAL of the  
Non-Party Witness, STEVEN PASQUALICCHIO,  
taken by the Plaintiff, pursuant to Subpoena,  
held via videoconference on February 29,  
2024, at 10:12 a.m., before Mary Ellen  
Nicholson, a Court Stenographer and Notary  
Public for and within the State of New York.

(1) **A P P E A R A N C E S:**

(2)

(3) MASSIMI LAW PLLC

(4) Attorneys for Plaintiff

(5) KEVIN CAMPBELL

(6) 99 Wall Street, Suite 1264

(7) New York, New York 10005

(8) BY: JESSICA MASSIMI, ESQ.,

(9)

(10)

(11) FEDERAL EXPRESS

(12) Attorney for Defendants

(13) FEDERAL EXPRESS CORPORATION A/K/A

(14) FEDEX EXPRESS, AND ERIC WANDERS, INDIVIDUALLY,

(15) 3620 Hacks Cross Road, Building B, 3rd Fl

(16) Memphis, Tennessee 38125

(17) BY: GABRIEL P. McGAHA, ESQ.,

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(1) F E D E R A L S T I P U L A T I O N S

(2)

(3) IT IS HEREBY STIPULATED AND AGREED

(4) by and between (among) counsel for the respective

(5) parties herein, that filing and sealing be and the

(6) same are hereby waived.

(7)

(8) IT IS FURTHER STIPULATED AND AGREED

(9) that all objections, except as to the form of the

(10) question, shall be reserved to the time of the trial.

(11)

(12) IT IS FURTHER STIPULATED AND AGREED

(13) that the within deposition may be sworn to and signed

(14) before any officer authorized to administer an oath,

(15) with the same force and effect as if signed and sworn

(16) to before the Court.

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VIDEO STIPULATIONS

IT IS HEREBY STIPULATED AND AGREED by and between counsel for all parties present that this deposition is being conducted by Videoconference, that the Court Reporter, all counsel, and the witness are all in separate remote locations and participating via Videoconference (LegalView/Zoom/WebEx) meeting under the control of Lexitas Court Reporting Service, that the officer administering the oath to the witness said witness shall be sworn in remotely by the Court Reporter after confirming the witness's identity, that this Videoconference will not be recorded in any manner, and that any recording without the express written consent of all parties shall be considered unauthorized, in violation of law, and shall not be used for any purpose in this litigation or otherwise.

IT IS FURTHER STIPULATED that exhibits may be marked by the attorney presenting the exhibit to the witness, and that a copy of any exhibit presented to a witness shall be emailed to or otherwise in possession of all counsel prior to any questioning of a witness regarding the exhibit in question. All

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(1) parties shall bear their own costs in the conduct of  
(2) this deposition by Videoconference.

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(1) Steven Pasqualicchio

(2) STEVEN PASQUALICCHIO, having first been duly  
(3) sworn by a Notary Public, for and within the  
(4) State of New York, upon being examined,  
(5) testified as follows:

(6) EXAMINATION BY

(7) **MS. MASSIMI:**

(8) Q. Would you state your name for the  
(9) record?

(10) **A. Steven Pasqualicchio.**

(11) Q. Would you state your address for the  
(12) record?

(13) **A. 8866 81st Road, 2nd floor, Glendale,**  
(14) **New York 11385.**

(15) **MS. MASSIMI: Good morning,**  
(16) **Mr. Pasqualicchio.**

(17) **THE WITNESS: Good morning,**  
(18) **ma'am.**

(19) **MS. MASSIMI: My name is**  
(20) **Jessica Massimi. I am an attorney.**  
(21) **I represent the plaintiff, Kevin**  
(22) **Campbell in the case that we are**  
(23) **here to discuss today. The purpose**  
(24) **of this deposition is for me to ask**  
(25) **you questions about the incident**

(1) **Steven Pasqualicchio**

(2) **giving rise to this lawsuit.**

(3) **THE WITNESS: Okay.**

(4) **MS. MASSIMI: I will ask you a**

(5) **series of questions and the court**

(6) **reporter will take down my**

(7) **questions, your answers and anything**

(8) **else that gets said on the record.**

(9) **THE WITNESS: Okay.**

(10) **Q. Have you ever been deposed before,**

(11) **sir?**

(12) **A. Yes, I have.**

(13) **Q. How many times?**

(14) **A. Twice, two times.**

(15) **Q. Two times in addition to this**

(16) **instance?**

(17) **A. Yes, ma'am. This will be the third**

(18) **time.**

(19) **Q. Were those two other depositions**

(20) **related to two separate lawsuits?**

(21) **A. Yes, ma'am.**

(22) **Q. When, approximately, did those two**

(23) **other depositions take place?**

(24) **A. One was in 2011 and the other one was**

(25) **in 2007, I would say roughly about 2007. It was**



(1) **Steven Pasqualicchio**

(2) **quite a long time ago.**

(3) Q. What were those lawsuits about?

(4) **A. Motor vehicle accidents.**

(5) Q. Were you a plaintiff or a defendant or  
(6) a non-party in those lawsuits?

(7) **A. One was a plaintiff and one was a**  
(8) **defendant.**

(9) Q. Which one were you a plaintiff, the  
(10) 2007 deposition or the 2011?

(11) **A. The 2007 one.**

(12) Q. Who represented you?

(13) **A. I had a lawyer, I cannot say the name.**

(14) Q. You do not recall the name?

(15) **A. No.**

(16) Q. Was that work related, that accident?

(17) **A. No, ma'am.**

(18) Q. Did you take that case to trial or  
(19) settle it or was it dismissed or something else?

(20) **A. It was settled.**

(21) Q. I am assuming that you claimed  
(22) injuries related to that lawsuit; right?

(23) **A. Yes, ma'am.**

(24) Q. Mr. Pasqualicchio, have you recovered  
(25) from those injuries?

(1) Steven Pasqualicchio

(2) **A. Yes, I have.**

(3) Q. Have you ever had to request a  
(4) reasonable accomodation from FedEx related to those  
(5) injuries?

(6) **A. Those injuries had nothing to do with**  
(7) **FedEx. I was not working for FedEx.**

(8) Q. You were not employed by FedEx at the  
(9) time?

(10) **A. No.**

(11) Q. The 2011 deposition, you said that was  
(12) also a motor vehicle accident; correct?

(13) **A. Correct.**

(14) Q. Were you a defendant or a non-party in  
(15) that action?

(16) **A. I was a defendant.**

(17) Q. Was that related to your work with  
(18) FedEx or no?

(19) **A. No, ma'am.**

(20) Q. Was it alleged that you had been  
(21) driving under the influence or drunk driving related  
(22) to that incident?

(23) **A. There was no drinking involved so it**  
(24) **was not drunk driving.**

(25) Q. What happened to that lawsuit, did it

(1) Steven Pasqualicchio

(2) go to trial, was it settled or dismissed or something  
(3) else?

(4) **A. I went to court and I counter-sued and**  
(5) **I won the counter-suit.**

(6) Q. Okay. Other than those two lawsuits,  
(7) have you been a party to any other lawsuits?

(8) **A. No, ma'am.**

(9) Q. In the 2011 case where you had the  
(10) counter-suit, did you testify in court?

(11) **A. Yes, ma'am.**

(12) Q. Where was what, what jurisdiction was  
(13) that in?

(14) **A. It was in Manhattan, New York,**  
(15) **Manhattan.**

(16) Q. Other than today and those two other  
(17) incidents, you have never been deposed before;  
(18) correct?

(19) **A. Deposed, I do not follow you. Lawsuit**  
(20) **wise?**

(21) Q. By deposed I mean essentially what we  
(22) are doing here today, which is taking your statement  
(23) under oath related to a lawsuit. So this is a  
(24) deposition and I think that you said that you  
(25) testified related to two other lawsuits; is that

(1) Steven Pasqualicchio

(2) correct?

(3) **A. Otherwise no, there was only the two.**

(4) Q. Other than when you testified in court  
(5) related to the MVA where you were a defendant and  
(6) counter-plaintiff, have you ever testified in court  
(7) before?

(8) **A. Yes, ma'am.**

(9) Q. How many times?

(10) **A. Once, besides the two lawsuits.**

(11) Q. What was that lawsuit about, the one  
(12) where you just testified in court?

(13) **A. It was not a lawsuit.**

(14) Q. What was it about?

(15) **A. It was an incident that happened when**  
(16) **I was a youth.**

(17) Q. Oh, it was something that happened  
(18) when you were a minor?

(19) **A. Yes, ma'am.**

(20) Q. You are saying that you testified in  
(21) court related to that?

(22) **A. Yes.**

(23) **MS. MASSIMI: I just want to**  
(24) **ask some basic questions about this**  
(25) **but we can mark this confidential if**

(1) **Steven Pasqualicchio**

(2) **that is acceptable?**

(3) **MR. McGAHA: The record in**  
(4) **sealed, so we cannot get into that.**

(5) **MS. MASSIMI: Okay, that is**  
(6) **fine.**

(7) Q. Is it your understanding sir that the  
(8) record related to that incident that happened when  
(9) you were a youth or a minor, is sealed pursuant  
(10) 16050?

(11) A. It is sealed, it is not my  
(12) understanding, it is sealed.

(13) Q. It is sealed, okay. Have you ever  
(14) served time in prison?

(15) A. Like I said ma'am, the record is  
(16) sealed.

(17) MS. MASSIMI: I am just going  
(18) to leave this area of inquiry for  
(19) now and if I need to follow-up I may  
(20) do so with some discrete  
(21) interrogatories, I am not sure.

(22) Q. Leaving aside the issue of these  
(23) proceedings that happened when you were a minor, have  
(24) you ever served time in prison?

(25) A. Like I said ma'am, the record is

(1) **Steven Pasqualicchio**

(2) **sealed.**

(3) Q. I am not asking about what happened  
(4) when you were a minor. Have you served time in  
(5) prison for something that is not related to when you  
(6) were a minor that is very likely not sealed?

(7) A. **No, I have not.**

(8) Q. Okay, understood. How old are you,  
(9) sir?

(10) A. **I am 44.**

(11) Q. Have you ever been on probation or  
(12) parol as an adult?

(13) A. **No, ma'am.**

(14) Q. Have you ever been convicted of a  
(15) felony as an adult?

(16) A. **No, ma'am.**

(17) Q. Other than the instances of testimony  
(18) that you have just mentioned, have you ever testified  
(19) under oath at any other point?

(20) A. **No, ma'am.**

(21) **MS. MASSIMI: I am just going**  
(22) **to go over some ground rules so that**  
(23) **it is in the record. You may**  
(24) **already be familiar with some of**  
(25) **this since you have testified at**

(1) Steven Pasqualicchio  
(2) depositions before.

(3) THE WITNESS: Okay.

(4) MS. MASSIMI: As I mentioned,  
(5) the purpose of this deposition is  
(6) for me to ask you questions about  
(7) incidents, the incidents giving rise  
(8) to this lawsuit. I am going to ask  
(9) you a series of questions. The  
(10) court reporter is going to take down  
(11) what we say.

(12) THE WITNESS: Okay.

(13) MS. MASSIMI: Because there is  
(14) a court reporter here, this is not  
(15) like a normal conversation. So  
(16) there cannot be cross talk that  
(17) naturally happens in conversations  
(18) sometimes. To make it easy on the  
(19) court reporter, you have to let me  
(20) finish my complete question before  
(21) you start to answer even if you can  
(22) anticipate what my question is going  
(23) to be because the court reporter has  
(24) to take down my complete question  
(25) and then your complete answer. Does

(1) Steven Pasqualicchio

(2) that make sense?

(3) THE WITNESS: Yes, ma'am, it  
(4) does.

(5) MS. MASSIMI: For that same  
(6) reason, I will attempt to let you  
(7) finish your complete answer before I  
(8) ask my next question.

(9) THE WITNESS: Okay.

(10) MS. MASSIMI: Because the  
(11) court reporter is taking down  
(12) everything that gets said, you need  
(13) to keep your voice up and speak  
(14) clearly so that she can hear you.  
(15) You also need to answer all  
(16) questions verbally. You cannot  
(17) answer questions using nods or  
(18) shaking your head or by saying  
(19) ut-huh or um-hum or by using hand  
(20) gestures because the court reporter  
(21) cannot interpret that on the record.  
(22) Does that make sense?

(23) THE WITNESS: Yes, ma'am, it  
(24) does.

(25) MS. MASSIMI: If you don't



(1) Steven Pasqualicchio  
(2) hear part of a question that I ask  
(3) you, let me know and I will restate  
(4) the question or I will ask the court  
(5) reporter to read it back. If you  
(6) don't understand a question that I  
(7) ask you, let me know and I will  
(8) attempt to explain it or rephrase  
(9) it.

(10) THE WITNESS: Okay.

(11) MS. MASSIMI: If you realize  
(12) during the deposition that an  
(13) earlier answer that you gave was  
(14) inaccurate or incomplete or if you  
(15) need for any reason to revisit  
(16) anything that has been said, that is  
(17) fine, just let me know and we will  
(18) correct it on the record. So if you  
(19) answer a question and you realize  
(20) later, oh I left something out, just  
(21) let me know and we can go back and  
(22) talk about it. Does that make  
(23) sense?

(24) THE WITNESS: Yes, ma'am, it  
(25) does.

(1) **Steven Pasqualicchio**

(2) Q. Is there any reason that you cannot  
(3) testify truthfully, fully and accurately here today,  
(4) sir?

(5) A. **No, I can testify truthfully and**  
(6) **accurately.**

(7) Q. Have you had any misdemeanor  
(8) convictions as an adult?

(9) A. **No, ma'am.**

(10) Q. Do you understand that you have taken  
(11) an oath to tell the truth here today?

(12) A. **Yes, I have.**

(13) Q. Do you understand that even though we  
(14) are here over zoom and you are in a conference room,  
(15) that the oath that you have taken to tell the truth  
(16) here today is the same oath that you would have taken  
(17) if we were in a courtroom in front of a Judge?

(18) A. **Yes, I understand, ma'am.**

(19) Q. Like the time that you testified at  
(20) trials, the same oath?

(21) A. **Yes, ma'am.**

(22) Q. Do you have any physical or mental  
(23) condition that might keep you from testifying  
(24) truthfully, fully and accurately here today?

(25) A. **No, ma'am.**

(1) **Steven Pasqualicchio**

(2) Q. When did your last shift end?

(3) A. **Last night.**

(4) Q. What time?

(5) A. **10:00 p.m.**

(6) Q. Did you get enough sleep prior to  
(7) appearing here today?

(8) A. **Yes, ma'am.**

(9) Q. Are you usually awake this time of  
(10) day?

(11) A. **Yes, I am.**

(12) Q. Have you taken any sort of medications  
(13) today that could impact your ability to testify?

(14) A. **No, ma'am.**

(15) Q. Have you failed to take any  
(16) medications that you normally take?

(17) A. **I don't take any medication.**

(18) Q. Have you consumed any drugs, alcohol  
(19) or marijuana in the last twenty-four hours?

(20) A. **No, ma'am.**

(21) Q. Are you represented by an attorney  
(22) today?

(23) A. **Yes, I am.**

(24) Q. What is your attorney's name?

(25) A. **Gabriel McGaha. Sorry, if I**

(1) **Steven Pasqualicchio**

(2) **mispronounced his last name incorrectly, I do**  
(3) **apologize.**

(4) Q. No, I think that you pronounced it  
(5) correctly.

(6) A. Okay.

(7) Q. Have you consulted with any attorneys  
(8) other than Mr. McGaha related to this lawsuit?

(9) A. No, ma'am.

(10) Q. Do you understand that you are not a  
(11) defendant in this lawsuit?

(12) A. I understand that.

(13) Q. Did you meet with Mr. McGaha or speak  
(14) with Mr. McGaha in preparation for today's  
(15) deposition?

(16) A. Yes, I have.

(17) Q. How many times?

(18) A. I met with him twice.

(19) Q. When was the first time?

(20) A. It was over zoom and that was last  
(21) week.

(22) Q. Zoom last week?

(23) A. Yes.

(24) Q. How long was that meeting?

(25) A. I would say roughly about an hour.

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(1) **Steven Pasqualicchio**

(2) Q. Did you review any documents during  
(3) that meeting in preparation for today's deposition?

(4) A. **Yes, I have.**

(5) Q. What documents did you review?

(6) A. **The deposition, the complaint, sorry.**

(7) Q. Are you referring to the complaint  
(8) that was filed in court to commence this lawsuit?

(9) A. **Yes, ma'am.**

(10) Q. During that meeting, did you review  
(11) any video in preparation for today's deposition?

(12) A. **No, ma'am.**

(13) Q. During that meeting over zoom last  
(14) week, did you review any audio recordings in  
(15) preparation for today's deposition?

(16) A. **No, ma'am.**

(17) Q. Did you review any documents other  
(18) than the complaint last week in preparation for  
(19) today's deposition?

(20) A. **No, last week when we went over the**  
(21) **complaint, that is the only thing that we went over**  
(22) **was the complaint pertaining to myself.**

(23) Q. In other words, you did not review the  
(24) complaint in it's entirety, you reviewed specific  
(25) allegations?

(1) Steven Pasqualicchio

(2) A. Yes, correct.

(3) Q. Did you meet with Mr. McGaha again in  
(4) preparation for today's deposition?

(5) A. Yes, I have.

(6) Q. When was that?

(7) A. This Monday, this past Monday, that  
(8) was the 26th.

(9) Q. That was meeting in person or over the  
(10) phone or over zoom or something else?

(11) A. In person.

(12) Q. How long was that meeting?

(13) A. About an hour and twenty minutes, an  
(14) hour and a half.

(15) Q. Did you review any documents, videos  
(16) or audio recordings during that second meeting  
(17) earlier this week?

(18) A. Yes, ma'am.

(19) Q. What did you review?

(20) A. The complaint that is pertaining to me  
(21) for this case.

(22) Q. Did you review any other documents,  
(23) sir?

(24) A. No.

(25) Q. You did not review any video or audio

(1) Steven Pasqualicchio

(2) recordings; correct?

(3) **A. No, ma'am.**

(4) Q. Are you aware of any video or audio  
(5) recordings or photographs that depict any portion of  
(6) the allegations that mention you in the complaint?

(7) **A. No, I am not aware of any.**

(8) Q. Did your review of the complaint at  
(9) all refresh your recollection about the instances or  
(10) the incidents that we are here to discuss today?

(11) **A. What is pertaining to me, yes, it did.**

(12) Q. In what manner did your review of the  
(13) complaint refresh your recollection?

(14) **A. The complaint that is pertaining to me**  
(15) **is that it never happened.**

(16) Q. Did you review anything in the  
(17) complaint related to you that is a  
(18) mischaracterization of something that did happen?

(19) **A. Like I said, the complaint that was**  
(20) **pertaining to me, it never happened so there is not a**  
(21) **misrepresentation, it never happened.**

(22) **MS. MASSIMI: I am sorry, can**  
(23) **you just read that back please?**

(24) **THE WITNESS: Say it again?**

(25) **MS. MASSIMI: No, I am sorry,**

(1) **Steven Pasqualicchio**

(2) **I am just talking to the court**  
(3) **reporter.**

(4) **THE WITNESS: Okay.**

(5) **MS. MASSIMI: Can you please**  
(6) **read back what the witness just**  
(7) **said?**

(8) **MS. REPORTER: Sure.**

(9) **(Whereupon, at this time, the**  
(10) **requested portion of the transcript**  
(11) **was read back by the reporter.)**

(12) **Q. Understood. Are you able to tell me**  
(13) **generally what it is that you read that you are**  
(14) **saying never happened?**

(15) **A. I would love to read it to you but I**  
(16) **do not have the document in front of me.**

(17) **Q. That is fine, we will do that later.**  
(18) **Do you have any nicknames?**

(19) **A. No, ma'am.**

(20) **Q. What is your middle name?**

(21) **A. Joseph.**

(22) **Q. Have you ever been known by any names**  
(23) **other than your current name?**

(24) **A. No, ma'am.**

(25) **Q. What is your race?**



(1) Steven Pasqualicchio

(2) **A. America, White.**

(3) Q. Where were you born?

(4) **A. New York.**

(5) Q. What are the races or race of your  
(6) parents?

(7) **A. Italian and Polish.**

(8) Q. I am Italian and I am White, do you  
(9) mean that your parents are White?

(10) **A. Yes, ma'am.**

(11) Q. Understood. Were they born in Italy  
(12) and Poland or were they born here in America?

(13) **A. They were born here in America.**

(14) Q. Are you married or in any long term  
(15) relationship?

(16) **A. Yes, ma'am.**

(17) Q. You are married?

(18) **A. Yes, ma'am.**

(19) Q. What is your wife's race?

(20) **A. She is Hispanic.**

(21) Q. Where was she born?

(22) **A. She was born in New York.**

(23) Q. How long have you two been married,  
(24) sir?

(25) **A. 2006.**

(1) **Steven Pasqualicchio**

(2) Q. Congratulations.

(3) A. Thank you.

(4) Q. Do you have any children?

(5) A. Yes, ma'am.

(6) Q. How many?

(7) A. Two.

(8) Q. What are the races of your children?

(9) A. They are Hispanic and American, White.

(10) Q. Hispanic and White?

(11) A. Yes.

(12) Q. Okay. Have you had any other  
(13) marriages?

(14) A. No, ma'am.

(15) Q. You said that you were born in New  
(16) York City?

(17) A. Yes, ma'am.

(18) Q. Where in New York City were you born?

(19) A. Astoria, Queens.

(20) Q. Is that where you grew up?

(21) A. Yes, ma'am.

(22) Q. You currently live in Queens; is that  
(23) right?

(24) A. Yes, correct.

(25) Q. Have you ever had to request any type

(1) Steven Pasqualicchio

(2) of accommodations from FedEx for any disability or  
(3) medical condition?

(4) **A. No, ma'am.**

(5) Q. Has FedEx ever discriminated against  
(6) you?

(7) **A. No, ma'am.**

(8) Q. Have you ever complained of any  
(9) discrimination to FedEx?

(10) **A. No, ma'am.**

(11) Q. Do you owe child support?

(12) **A. No, ma'am.**

(13) Q. Have you ever been court ordered as an  
(14) adult to attend any anger management or drug  
(15) treatment or counseling programs?

(16) **A. No, ma'am.**

(17) Q. What is your highest level of  
(18) education?

(19) **A. I have a GED.**

(20) Q. Is that connected to any particular  
(21) institution or is it through the government? How  
(22) does that work?

(23) **A. It is the New York State GED Program.**

(24) Q. Do you have any college degrees or  
(25) credits?

(1) Steven Pasqualicchio

(2) A. No, I do not.

(3) Q. Do you have any professional degrees  
(4) or licenses?

(5) A. No, I don't.

(6) Q. When did you obtain your GED?

(7) A. That was back in 2008 or 2009.

(8) Q. Congrats.

(9) A. Thank you.

(10) Q. Are you currently employed?

(11) A. Yes, I am.

(12) Q. By whom?

(13) A. Federal Express.

(14) Q. How long have you been employed by  
(15) FedEx?

(16) A. It is going to be fourteen years in  
(17) April.

(18) Q. What is your current job title with  
(19) FedEx?

(20) A. Operations Manager.

(21) Q. How long have you held that title?

(22) A. That title, I have held it since 2018.

(23) Q. Okay, prior to becoming an operations  
(24) manager, what was your title?

(25) A. I was a currier/DOT. That is the job

(1) **Steven Pasqualicchio**

(2) **title for currier.**

(3) Q. From what year to what year did you  
(4) hold that position?

(5) A. From 2010, when I got hired, to 2011,  
(6) it was September and then from September of 2011 to  
(7) July of 2013, it was handler/DOT. Then from 2013,  
(8) July, to 2018, before becoming the operations  
(9) manager, it was currier/DOT.

(10) Q. Have you ever been suspended from your  
(11) job with FedEx?

(12) A. No, ma'am.

(13) Q. Have you ever received a warning  
(14) letter?

(15) A. Yes, I have.

(16) Q. How many times?

(17) A. Just one.

(18) Q. When was that warning letter?

(19) A. That warning letter, it was, I would  
(20) say in 2022. I would say November or so of 2022,  
(21) roughly or January. It was between November and  
(22) January so it was late 2022.

(23) Q. Who wrote that warning letter?

(24) A. That was my senior manager, my direct  
(25) boss.

(1) **Steven Pasqualicchio**

(2) Q. What is the name?

(3) A. **His name is Eric Wanders.**

(4) Q. What was the warning letter for?

(5) A. **It was an HOS violation. That is the**  
(6) **short term for hours of service violation.**

(7) Q. What specifically was Eric Wanders  
(8) alleging?

(9) A. **Eric Wanders was not alleging, it was**  
(10) **a currier, an employee, sorry, an employee that was**  
(11) **not a direct report of mine, is on the clock more**  
(12) **than eleven hours of driving. Per US DOT rules, he**  
(13) **was on the clock for more than eleven hours and it**  
(14) **wasn't verses myself nor his direct manager that he**  
(15) **was on the clock for more than eleven hours of**  
(16) **driving.**

(17) Q. Understood. When you became an  
(18) operations manager, how did you get that promotion?  
(19) Did you have to take a test? Did they approach you?  
(20) How did that work?

(21) A. **I inquired about it first. I inquired**  
(22) **about it first to my direct manager at the time and**  
(23) **asked him a little more about the program, becoming a**  
(24) **manager and I had to go through like training stuff**  
(25) **and I had to show my leadership skills and then I**

(1) **Steven Pasqualicchio**

(2) **actually applied for it and interviewed for it.**

(3) Q. How many times did you apply for it  
(4) before getting it?

(5) A. **Just the one time.**

(6) Q. Is Eric Wanders currently your  
(7) supervisor?

(8) A. **Yes, ma'am.**

(9) Q. How long has he been your supervisor,  
(10) sir?

(11) A. **He has been my supervisor since 2019.**  
(12) **I think that it was January of 2019 that he became my**  
(13) **direct supervisor.**

(14) Q. What location do you currently work  
(15) out of?

(16) A. **It is Federal Express, the Maspeth**  
(17) **location, LGA.**

(18) Q. Does the LGA Station have multiple  
(19) locations?

(20) A. **No, ma'am, just the one.**

(21) Q. Have you always been assigned to that  
(22) location?

(23) A. **No, ma'am.**

(24) Q. When were you first assigned to that  
(25) location?

(1) Steven Pasqualicchio

(2) A. When I was first hired, April 9th of  
(3) 2010.

(4) Q. Then at some point you were assigned  
(5) elsewhere?

(6) A. Yes, ma'am.

(7) Q. When were you assigned elsewhere?

(8) A. It was September 2011, I was assigned  
(9) to another location.

(10) Q. For how long?

(11) A. Two years.

(12) Q. What location?

(13) A. Twenty-three months to be exact.  
(14) Sorry about that.

(15) Q. That is okay, that is very specific.  
(16) What was the location?

(17) A. It was COSR.

(18) Q. Is there a particular reason why you  
(19) changed locations, did you request a reassignment,  
(20) did they resign you, what happened there?

(21) A. I requested the relocation because I  
(22) wanted to open up my opportunities to grow within the  
(23) company.

(24) Q. Eventually did you request to go back  
(25) to the LGA Station?



(1) Steven Pasqualicchio

(2) A. Yes, ma'am.

(3) Q. Did you go back to the LGA Station  
(4) immediately after COSR?

(5) A. Yes, I did.

(6) Q. Why did you request to go back to the  
(7) LGA Station?

(8) A. Due to the fact that there was more  
(9) growth in the LGA Station, meaning the domestic  
(10) grounds operations. COSR operations was the airport  
(11) of FedEx.

(12) Q. Okay.

(13) A. LGA Station, that is the ground  
(14) operations with FedEx.

(15) Q. Have you ever been assigned to any  
(16) other locations other than those that you have  
(17) testified to?

(18) A. No, ma'am.

(19) Q. Just remind me again. You came back  
(20) to LGA when, what year?

(21) A. 2013.

(22) Q. You have been there ever since;  
(23) correct?

(24) A. Yes, I have.

(25) Q. I might have already asked you this

(1) Steven Pasqualicchio

(2) question and if I did, I apologize. Have you ever  
(3) been suspended from your employment with FedEx?

(4) A. No, ma'am.

(5) Q. Have you ever had to or requested to  
(6) utilize the GFT process for any purpose?

(7) A. No, ma'am.

(8) Q. What is the purpose of the GFT  
(9) process?

(10) A. It is guaranteed fair treatment. If  
(11) you are given a warning letter, a write up.

(12) Q. Yes.

(13) A. And he or she employee feels that they  
(14) are unfairly treated, they are given the documents  
(15) and they can contest the write up and your direct  
(16) manager, the employee who got the write up, you will  
(17) have your senior manager of that facility, you have  
(18) HR and the managing director and you the employee  
(19) come in and have like a review of that warning  
(20) letter. They bring in evidence, documentation. You  
(21) as the employee can bring in evidence as well as to  
(22) why he or she employee feels that they are unfairly  
(23) treated and have it reviewed by the managing director  
(24) to see if he or she, you know basically if you are  
(25) fighting the write up.

(1) **Steven Pasqualicchio**

(2) Q. Have you ever known an employee to get  
(3) a reversal of a termination or of a warning letter  
(4) through GFT?

(5) A. **None of my direct employees.**

(6) Q. What about other than your direct  
(7) employees, have you ever herd of such an instance?  
(8) Have you ever heard of an instance where that  
(9) happened?

(10) A. **I can't speculate if it was not me,**  
(11) **not my direct employee.**

(12) Q. Understood. How would you describe  
(13) Eric Wanders as a supervisor?

(14) A. **He is a great supervisor to me. He,**  
(15) **you know, always gave me the tools, you know my**  
(16) **leadership skills, always showing his support for**  
(17) **myself. You know, he gives the praise when praise is**  
(18) **due, which is most of the time. He is very well**  
(19) **involved with the operations and ensuring that he is**  
(20) **there for us to support us if we need it.**

(21) Q. You know who Kevin Campbell is; right?

(22) A. **Yes, ma'am.**

(23) Q. Have you ever been Kevin Campbell's  
(24) supervisor?

(25) A. **No, ma'am.**

(1) **Steven Pasqualicchio**

(2) Q. Are you currently in a union?

(3) A. **No, ma'am.**

(4) Q. Have you ever been in a union?

(5) A. **No, I have not.**

(6) Q. Have you ever served in any branch of  
(7) the military?

(8) A. **No, I have not.**

(9) Q. Have you ever served in law  
(10) enforcement?

(11) A. **No, I have not.**

(12) Q. I am not suggesting that you should be  
(13) doing this. Do you do any volunteer work or charity  
(14) work outside of your job?

(15) A. **Yes, I do.**

(16) Q. What do you do?

(17) A. **I am a volunteer firefighter.**

(18) Q. You are a volunteer firefighter, okay,  
(19) for where, what do you do?

(20) A. **I am a volunteer firefighter.**

(21) Q. How does that work, is that through  
(22) the community that you live in?

(23) A. **It is a local Volunteer Fire  
(24) Department.**

(25) Q. In Queens?

(1) Steven Pasqualicchio

(2) A. Yes, ma'am.

(3) Q. How long have you been a volunteer  
(4) firefighter?

(5) A. I can give the month but not the date,  
(6) July of 2004, July --

(7) Q. Have you ever -- I am sorry, go ahead,  
(8) continue.

(9) A. Since July of 2004 but I cannot give  
(10) you an exact date of the month.

(11) Q. That is okay. Have you ever been  
(12) injured during your performance of your duties as a  
(13) volunteer firefighter?

(14) A. Yes, I have.

(15) Q. How many times would you say?

(16) A. Just one time.

(17) Q. When was that?

(18) A. That was, I would say roughly about  
(19) 2007 or 2008.

(20) Q. Did you recover from those injuries,  
(21) sir?

(22) A. Oh yes, I have.

(23) Q. You still are a volunteer firefighter;  
(24) correct?

(25) A. Yes, I am.

(1) **Steven Pasqualicchio**

(2) Q. What kind of things do you do as a  
(3) volunteer firefighter?

(4) A. I go on emergency calls, I drive the  
(5) fire apparatuses. I go on emergency medical calls as  
(6) well.

(7) Q. Right.

(8) A. I drive an ambulance, attend community  
(9) events to show like support for the local community.  
(10) We have parades and stuff like that and we just have  
(11) to be there to show our support for them.

(12) Q. I am sorry if you already said this  
(13) but what is the name of the community or corporation  
(14) of municipality of the, I don't know what it is  
(15) called that you are a volunteer firefighter for?

(16) A. I never said it but that has nothing  
(17) to do with the case.

(18) MS. MASSIMI: I need the  
(19) information that you are giving me.  
(20) I mean if you want to mark this  
(21) confidential, we can mark it  
(22) confidential, I don't care. I am  
(23) just asking questions about your  
(24) background.

(25) THE WITNESS: Okay, so I would

(1) **Steven Pasqualicchio**  
(2) **rather mark it confidential.**

(3) **MS. MASSIMI: We can mark it**  
(4) **confidential, okay.**

(5)

(6)

(7)

(8)

(9)

(10)

(11) (Whereupon, the following  
(12) portions are designated  
(13) confidential.)

(14)

(15)

(16)

(17)

(18)

(19)

(20)

(21)

(22)

(23)

(24)

(25)

(1)

CONFIDENTIAL

(2)

**A. What do you want, the name of the fire**

(3)

**department?**

(4)

**Q. Yes.**

(5)

**A. It is called West Hamilton Beach Fire**

(6)

**Department.**

(7)

**Q. Where is West Hamilton Beach Fire**

(8)

**Department located?**

(9)

**A. It is Hamilton Beach, Queens.**

(10)

**Q. Have you ever been suspended in your**

(11)

**volunteer work with them?**

(12)

**A. No, ma'am.**

(13)

**Q. Your title is firefighter?**

(14)

**A. No, I was a captain but I am actually**

(15)

**considered the treasurer now.**

(16)

**Q. How long have you been the treasurer?**

(17)

**A. Almost about six years, it is six-ish**

(18)

**years.**

(19)

**Q. Okay, great.**

(20)

**A. I am sorry, I apologize, when I said**

(21)

**Hamilton Beach, it is a subsidiary of Howard Beach.**

(22)

**Howard Beach and Hamilton Beach, it is the same**

(23)

**thing, same zip code but our address is Hamilton**

(24)

**Beach.**

(25)

**Q. Okay.**



(1) CONFIDENTIAL

(2) A. Sorry.

(3) Q. No need to apologize, it is fine. I  
(4) just want to be sure that I have this correct. What  
(5) is the name of the volunteer group that your fire  
(6) department is a part of?

(7) A. It is West Hamilton Beach Fire  
(8) Department, that is the name.

(9) Q. But it is a subsidiary of Howard  
(10) Beach?

(11) A. Yes, correct.

(12) Q. Do you get any income from that work,  
(13) sir?

(14) A. No income but on my taxes, through the  
(15) state they give you like a \$200 or a \$250 tax credit  
(16) and that is all per year.

(17) Q. They should give you more.

(18) A. I know, but you know what, I am not in  
(19) it for the money.

(20) Q. Right, of course, of course.

(21) MS. MASSIMI: So that is the  
(22) end of my questioning on that so we  
(23) do not have to be confidential  
(24) anymore. Thank you sir, for  
(25) answering my questions.

(1) **Steven Pasqualicchio**

(2) **THE WITNESS: Of course, sure.**

(3)

(4) (Whereupon, at this time, the  
(5) confidential portion of the  
(6) transcript ended.)

(7)

(8) Q. Other than that, do you do any other  
(9) volunteer or charity work?

(10) A. No, ma'am.

(11) Q. You said that you are not in a union;  
(12) correct?

(13) A. Correct, I am not in a union.

(14) Q. So there is no union connection or  
(15) membership through your volunteer work?

(16) A. No, ma'am.

(17) Q. Have you ever been a member of a  
(18) union?

(19) A. I am a member of the credit union.

(20) Q. No, I mean like a labor union?

(21) A. No, ma'am.

(22) Q. So I am just going to ask you some  
(23) questions about FedEx and the complaint that you  
(24) have. Does FedEx have a policy against  
(25) discrimination?

(1) Steven Pasqualicchio

(2) A. Yes, they do.

(3) Q. What is your understanding of FedEx's  
(4) policy regarding discrimination?

(5) A. I do not have that policy in front of  
(6) me so I cannot talk about it because I do not have it  
(7) in front of me to go over it with you.

(8) Q. I am not asking you what the policy  
(9) says verbatim, I am not asking you to quote it. I am  
(10) just asking you as a manager with FedEx, what is your  
(11) understanding of FedEx's position regarding  
(12) discrimination?

(13) A. My understanding is that you as the  
(14) employee, if you feel that you are being  
(15) discriminated against because of race, sexual  
(16) orientation, gender, age, there is no tolerance for  
(17) that type of stuff in the workplace.

(18) Q. When you say that there is no  
(19) tolerance for that type of stuff in the workplace,  
(20) can you tell me what, if anything, FedEx does to  
(21) demonstrate that no tolerance position?

(22) A. The give you, the employee, if you  
(23) have a complaint about it or you the employee, he or  
(24) she employee feels that he or she is being  
(25) discriminated against, to go and make a, file a

(1) **Steven Pasqualicchio**

(2) **complaint about he or she employee that you feel he**  
(3) **or she employee is being discriminated against.**

(4) Q. If FedEx determines that a  
(5) discriminatory comment or action in fact took place,  
(6) does that require automatic termination or are there  
(7) other methods that FedEx can use to address that?

(8) A. Can you say that again, your voice  
(9) went in and out and I could not hear the end of what  
(10) you said?

(11) Q. That is fine. I was basically asking,  
(12) if FedEx determines that someone made a  
(13) discriminatory comment or engaged in a discriminatory  
(14) action, does that definitely result in termination of  
(15) that individual or are there other methods of  
(16) discipline or reprimand that FedEx can utilize to  
(17) address that?

(18) A. Each case is handled differently.  
(19) Each individual case is handled differently. Based  
(20) on each case, the determination is done depending on  
(21) each case.

(22) Q. Okay.

(23) A. It is more specific for each case and  
(24) then the facts are in front of you and then we can  
(25) make determinations from there depending on what that

(1) **Steven Pasqualicchio**

(2) **individual case is all about.**

(3) Q. Have you ever had to issue a FedEx  
(4) employee an OLCC or a warning letter relating to  
(5) racial comments or actions?

(6) A. **No, ma'am.**

(7) Q. Have you ever heard racial comments or  
(8) race related comments made on the job at FedEx?

(9) A. **No, ma'am.**

(10) Q. Have you ever heard people joking  
(11) about race?

(12) A. **No, ma'am.**

(13) Q. As a manager, do you receive training  
(14) regarding discrimination?

(15) A. **Yes, we do.**

(16) Q. Can you describe that training?

(17) A. **I don't have the actual training in**  
(18) **front of me but we do take training on it.**

(19) Q. What is that, like a yearly training,  
(20) monthly training, video, books, tests or something  
(21) else?

(22) A. **It is a yearly online training.**

(23) Q. When you say online training, is it  
(24) videos, is it a test?

(25) A. **It is a video.**

(1) **Steven Pasqualicchio**

(2) Q. How long is that video, is that a  
(3) couple of minutes?

(4) A. It is different scenarios like  
(5) different modules of like different scenarios and it  
(6) is roughly about forty minutes, somewhere about forty  
(7) minutes. I can't give you the exact time how long  
(8) but it is roughly about the forty minute mark, around  
(9) there.

(10) Q. No problem. As a manager, is there  
(11) any handbook or collection of policies and procedures  
(12) that govern your job responsibilities?

(13) A. Handbooks no, and there is no policies  
(14) and procedures governing my job as well. If you can  
(15) elaborate a little more what you mean by governing  
(16) that would be helpful.

(17) Q. Sure. There is an employee handbook;  
(18) correct?

(19) A. When you are first hired, as a new  
(20) hire there is a, not a book but papers all stapled,  
(21) basically a handout, an employee handout it is  
(22) called.

(23) Q. Does that apply to managers?

(24) A. No.

(25) Q. Do managers -- go ahead, I am sorry.

(1) Steven Pasqualicchio

(2) A. I was never given an employee handbook  
(3) for a manager, that is what I meant.

(4) Q. Right.

(5) A. None that I have known that is out  
(6) there.

(7) Q. What I am talking about when I say  
(8) stuff governing your obligations as a manager, is  
(9) there a collection or are there collections of  
(10) policies and procedures that dictate the way that you  
(11) are to act or respond to certain scenarios?

(12) A. No.

(13) Q. FedEx policies and procedures?

(14) A. There are policies and procedures for  
(15) the whole company, yes, there are.

(16) Q. Correct.

(17) A. In each thing there are policies and  
(18) procedures for each thing, like discriminatory,  
(19) attendance, you know there are policies and  
(20) procedures for everything there.

(21) Q. Are those the written set of documents  
(22) that apply to managers?

(23) A. It applies to all employees at FedEx.

(24) Q. I understand that, I get what you are  
(25) saying. It is not just specific to managers; right?

(1) Steven Pasqualicchio

(2) **A. No, ma'am.**

(3) Q. But those documents that you just  
(4) described apply to managers as well; right?

(5) **A. It applies to all employees at FedEx.**

(6) Q. Yes, I got you. I think that we are  
(7) saying the same thing. They apply to carriers?

(8) **A. Yes, ma'am.**

(9) Q. They apply to people who report to  
(10) managers?

(11) **A. Correct.**

(12) Q. They also apply to managers?

(13) **A. Yes.**

(14) Q. Other than those documents, are there  
(15) other documents that apply to managers?

(16) **A. Not that I am aware of.**

(17) Q. I am just asking if there is another  
(18) collection of documents somewhere, a handbook, a  
(19) management handbook or something like that, that you  
(20) are aware of?

(21) **A. Your audio keeps breaking up.**

(22) Q. I am sorry.

(23) **A. Your audio kept breaking up.**

(24) Q. Yes. I am just asking if other than  
(25) what you testified to there, is there another set of



(1) Steven Pasqualicchio

(2) documents that we are not mentioning here today that  
(3) apply to managers?

(4) **A. Not that I am aware of.**

(5) Q. In the course of your employment as a  
(6) manager with FedEx, do you ever have occasion to  
(7) reference and look at these written policies that you  
(8) have mentioned?

(9) **A. Yes, I have to.**

(10) Q. How often would you say that you  
(11) access those policies?

(12) **A. Only when needed.**

(13) Q. Right, monthly, yearly?

(14) **A. If an incident arises, then I would**  
(15) **reference the policy.**

(16) Q. How do you look at those policies, do  
(17) you access them on a computer, are they in a hardcopy  
(18) in your desk?

(19) **A. On my PC, on my computer.**

(20) Q. In your office?

(21) **A. Yes, ma'am.**

(22) Q. Do you know what retaliation is?

(23) **A. Retaliation, yes, I have a good**  
(24) **understanding of retaliation.**

(25) Q. In your own words, what does

(1) Steven Pasqualicchio

(2) retaliation mean?

(3) A. In my own words, let's say you made a  
(4) complaint against me about anything.

(5) Q. Yes.

(6) A. I found out that it was you  
(7) complaining about me, it is me trying to get back at  
(8) you, me trying to give you harder work, you know  
(9) trying to give you extra work, you know, just getting  
(10) back at you.

(11) Q. Right.

(12) A. Why did you make a complaint against  
(13) me without coming to me?

(14) Q. Understood. It is one of those words  
(15) that is hard to define without using the word, I get  
(16) it.

(17) A. Right.

(18) MS. MASSIMI: We have been  
(19) here for an hour, do you want to  
(20) take about a ten minute break and  
(21) then I probably have another hour of  
(22) questioning and then we should be  
(23) done?

(24) THE WITNESS: Okay.

(25) MS. MASSIMI: So I am going to

(1) **Steven Pasqualicchio**

(2) **come back at 11:10.**

(3) **(Whereupon, at this time, a**  
(4) **short recess was taken from 11:01**  
(5) **a.m. through 11:20 a.m.)**

(6) **MS. MASSIMI: Back on the**  
(7) **record.**

(8) Q. I am just going to finish asking the  
(9) rest of my questions, sir.

(10) A. Okay.

(11) Q. By the way, do you know Nan  
(12) Malebranche?

(13) A. Yes, ma'am.

(14) Q. What race is Nan Malebranche?

(15) A. I don't know.

(16) Q. Well what race does she appear to be  
(17) to you?

(18) A. She appears to be an American.

(19) Q. Americans are all different types of  
(20) races, you know. Americans can be Black, White,  
(21) Latino. So I am just asking you in terms of race,  
(22) what race does Nan Malebranche appear to be to you,  
(23) sir?

(24) A. White.

(25) Q. You know the name of the plaintiff in

(1) Steven Pasqualicchio

(2) this case; correct?

(3) A. Yes, ma'am.

(4) Q. What is the plaintiff's name?

(5) A. Kevin Campbell.

(6) Q. Do you know Kevin Campbell?

(7) A. I know him from work.

(8) Q. When did you work with Kevin Campbell,  
(9) approximately, what years, what timeframe did you  
(10) work with him?

(11) A. I never worked with him. He is an  
(12) a.m. employee. He does not work for me directly.

(13) Q. He never reported to you; correct?

(14) A. Correct.

(15) Q. You were never his manager; is that  
(16) correct?

(17) A. Correct.

(18) Q. But you guys would see each other at  
(19) work?

(20) A. On the occasion.

(21) Q. Yes, that is all that I am asking.

(22) A. Yes, on the occasion.

(23) Q. Right. Well what does Mr. Campbell  
(24) look like?

(25) A. He is five foot seven inches,

(1) **Steven Pasqualicchio**

(2) **something like that, a five foot seven, five foot**  
(3) **eight male. He is average complexion, average body,**  
(4) **average you know body structure.**

(5) Q. What race does he appear to be to you,  
(6) sir?

(7) A. **African American.**

(8) Q. You know this physical description  
(9) from having seen him in person before; correct?

(10) A. **Yes, ma'am.**

(11) Q. Are you saying that you guys had  
(12) minimal contact during his employment at FedEx;  
(13) right?

(14) A. **Correct.**

(15) Q. Do you have an understanding of what  
(16) Mr. Campbell is alleging in this case?

(17) A. **The only thing that I understand that**  
(18) **he is alleging is pertaining to me only. Everything**  
(19) **else has nothing to do with me.**

(20) Q. Does Mr. Campbell still work for  
(21) FedEx?

(22) A. **My understanding, no, he doesn't.**

(23) Q. Do you know why?

(24) A. **That is not for me because I do not**  
(25) **know why he does not work for FedEx anymore. I was**

(1) **Steven Pasqualicchio**

(2) **not his manager.**

(3) Q. Well I am not, I am not necessarily  
(4) asking if you have first hand knowledge of why he no  
(5) longer works for FedEx. I am asking you if you have  
(6) an understanding based on things that you might have  
(7) read or heard why he no longer works for FedEx?

(8) A. Like I am saying, I don't know why he  
(9) doesn't work for FedEx anymore because it has nothing  
(10) to do with me, he is not my direct employee. If it  
(11) does not pertain to me, I would not know why he does  
(12) not work for FedEx anymore.

(13) Q. Did anyone ever tell you why he does  
(14) not work for FedEx?

(15) A. No, ma'am.

(16) Q. Did you ever overhear anyone talking  
(17) about why Kevin Campbell no longer works for FedEx?

(18) A. No, ma'am.

(19) Q. Do you know whether Kevin Campbell was  
(20) terminated for an incident involving him and Augusto  
(21) Alzate?

(22) A. No, ma'am.

(23) Q. You dont' know about that?

(24) A. No, ma'am.

(25) Q. Did Mr. Campbell ever mention to you

(1) Steven Pasqualicchio

(2) anything that he was experiencing regarding  
(3) discrimination?

(4) **A. No, ma'am.**

(5) Q. Do you know whether Mr. Campbell is  
(6) alleging that he in fact experienced discrimination  
(7) while he was at FedEx?

(8) **A. Mr. Campbell never came to me alleging**  
(9) **any type of discrimination. He never came to me**  
(10) **directly.**

(11) Q. I understand. I am asking you if you  
(12) know that he is, at this point in this lawsuit  
(13) alleging that he encountered discrimination at FedEx?  
(14) Are you aware of that now as you sit here today?

(15) **A. From what this case is about, what you**  
(16) **are saying, he is alleging it.**

(17) Q. Okay. If Mr. Campbell was in fact  
(18) experiencing discrimination while at FedEx, what  
(19) should he have done?

(20) **A. Reported it.**

(21) Q. To who?

(22) **A. To a member of management or HR.**

(23) Q. Okay, when you say to a member of  
(24) management, are you saying that he should have  
(25) reported it to any manager?

(1) Steven Pasqualicchio

(2) A. Yes, he could have.

(3) Q. Do you wish that he would have told  
(4) you about the discrimination that he was experiencing  
(5) at the time?

(6) MR. McGAHA: Objection to  
(7) form. You can answer.

(8) A. Can you say it again? Repeat it  
(9) again.

(10) Q. Do you wish that he would have  
(11) complained to you about the discrimination he claims  
(12) to have been experiencing?

(13) MR. McGAHA: No objection to  
(14) that. You can answer.

(15) A. What he is claiming, it has nothing to  
(16) do with me. Like I said, I am not his direct manager  
(17) so I have no knowledge of what he is alleging.

(18) Q. Right. What I am saying is, I believe  
(19) you testified a moment ago that if he was  
(20) experiencing discrimination at FedEx that he should  
(21) have complained to a member of management or HR; is  
(22) that your testimony?

(23) A. Yes, it is.

(24) Q. If he was indeed experiencing  
(25) discrimination, do you wish that he would have



(1) Steven Pasqualicchio

(2) complained to you at the time?

(3) A. I don't know why you are saying do I  
(4) wish. If he was experiencing discrimination and he  
(5) chooses to report it, he could choose and report it  
(6) to any management. I do not know why you are saying  
(7) I wish.

(8) Q. Do you, as a FedEx --

(9) A. I am still continuing.

(10) Q. Go ahead, yes. I am sorry.

(11) A. Thank you. If he wishes that is his  
(12) choice, if he is wishing. I am not wishing. That is  
(13) their business too, if they want to file a complaint  
(14) then they have every right to.

(15) Q. If an employee is experiencing  
(16) discrimination, as a manager do you want them to come  
(17) to you and tell you about it?

(18) A. They can go to any member of  
(19) management and complain.

(20) Q. Is that what you want them to do as a  
(21) manager?

(22) A. If they are experiencing  
(23) discrimination, they have the right to go to any  
(24) member of management.

(25) Q. When you say that they have a right to

(1) Steven Pasqualicchio

(2) go to any member of management, if someone is  
(3) experiencing discrimination at FedEx, can they go to  
(4) a member of management and make that complaint  
(5) verbally?

(6) A. They can make it verbally to you, the  
(7) manager can write an employee statement as well.

(8) Q. If a FedEx Manager receives a verbal  
(9) complaint of discrimination, what, if anything, are  
(10) they supposed to do?

(11) A. First things first is you are the  
(12) employee, you are making a complaint to me, the  
(13) member of management, I am going to ask you what  
(14) happened inside my office and you are going to  
(15) explain to me what happened. I am going to give you  
(16) an employee statement form; right?

(17) Q. Yes.

(18) A. On the top it says employee statement  
(19) form where you put your name, the date, you sign your  
(20) name on the bottom as the employee and it has page 1,  
(21) it has a section where you put 1 of 1 or if there are  
(22) like multiple pages that is fine. You write your  
(23) complaint out thoroughly and then I would consult  
(24) with HR from there, if you are making a complaint of  
(25) discrimination.

(1) **Steven Pasqualicchio**

(2) Q. As a FedEx Manager, if you witness  
(3) discrimination taking place against an employee, do  
(4) you have an obligation to do something?

(5) A. It all depends on what the context of  
(6) the story is, of the conversation and if he or she, I  
(7) say he or she because it is unisex at FedEx. If he  
(8) or she employee comes to me and makes a complaint  
(9) about it then I am obligated to take action.

(10) Q. Are you, as a manager, obligated to  
(11) take action regarding discrimination where you  
(12) witness it but there is no formal complaint?

(13) A. Like I said, it all depends on what  
(14) the context of that conversation is.

(15) Q. Is there a context where you would be  
(16) required to report racial discrimination that you  
(17) witnessed where there is no complaint?

(18) **MR. McGAHA: Objection to**  
(19) **form.**

(20) A. If you and another employee are having  
(21) a conversation and I witness it, I don't know the  
(22) whole context of that conversation. So you are  
(23) saying that I witness it but I do not know the  
(24) context of that conversation so I can't determine if  
(25) that is discrimination if I don't know the context of

(1) **Steven Pasqualicchio**

(2) **the story, of the conversation that they are talking**  
(3) **about or what they are actually talking about.**

(4) Q. A racial slur, if you as a manager  
(5) hear an employee using a racial slur, does the  
(6) context matter?

(7) **MR. McGAHA: Objection to**  
(8) **form.**

(9) Q. In terms of your decision to take  
(10) action or not?

(11) **MR. McGAHA: Objection to**  
(12) **form.**

(13) A. Like I said, I do not know the context  
(14) of their conversation so I don't know. If he or she  
(15) employee comes and complains about that racial slur,  
(16) then I take action but if I am overhearing, I don't  
(17) know what the context of that story is, of that  
(18) conversation so I can't just take action on anything  
(19) that you hear unless he or she employee comes and  
(20) complains to me.

(21) Q. You said FedEx is unisex; right?

(22) A. Yes.

(23) Q. You mean there are -- what do you mean  
(24) by that? You don't mean that there is just one  
(25) gender there; correct?

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(1) Steven Pasqualicchio

(2) **A. No, ma'am, there is not.**

(3) Q. Does FedEx have gender neutral  
(4) bathrooms?

(5) **MR. McGAHA: Objection to**  
(6) **form.**

(7) **A. We have male and female bathrooms.**

(8) Q. Okay.

(9) **A. Separate, separate.**

(10)

(11)

(12)

(13)

(14)

(15) (Whereupon, the following  
(16) portion of the transcript was marked  
(17) as confidential.)

(18)

(19)

(20)

(21)

(22)

(23)

(24)

(25)

(1) CONFIDENTIAL

(2) Q. Do you know whether there are any  
(3) openly transgender people working at the LGA Station?

(4) A. Yes, ma'am.

(5) Q. There are?

(6) A. Yes, ma'am.

(7) Q. Do you know how many there are?

(8) A. One.

(9) Q. Does that person have access to gender  
(10) neutral bathrooms or a gender neutral bathroom?

(11) MR. McGAHA: Objection to  
(12) form.

(13) A. That employee uses the restroom  
(14) that --

(15) Q. Okay, that employee uses the restroom  
(16) that is their gender.

(17) A. I am going to answer the question.

(18) Q. Sure, okay.

(19) A. That employee uses the bathroom that  
(20) she chooses to go by her sexual orientation.

(21) Q. Has that individual ever complained of  
(22) discrimination?

(23) MR. McGAHA: Objection to  
(24) form.

(25) A. No, ma'am, not to me directly.

(1)

**CONFIDENTIAL**

(2)

Q. Are you that person's direct

(3)

supervisor?

(4)

A. No, ma'am.

(5)

Q. Do you know who is?

(6)

A. Yes, I do.

(7)

Q. Who?

(8)

A. That direct supervisor, sorry, that

(9)

would be Kelvin Recio. I think that she is under

(10)

Kelvin Recio's organization.

(11)

MS. REPORTER: I am sorry, the

(12)

supervisor's name is?

(13)

THE WITNESS: Do you want me

(14)

to spell it out for you?

(15)

MS. REPORTER: Yes, please.

(16)

A. It is Kelvin, K-E-L-V, as in Victor

(17)

I-N and the last name is Recio, R, as in Robert,

(18)

E-C-I-O.

(19)

MS. REPORTER: Thank you.

(20)

THE WITNESS: You're welcome.

(21)

A. She should be under his organization,

(22)

his management organization.

(23)

Q. Okay.

(24)

MS. MASSIMI: Actually can you

(25)

mark that portion of the transcript

(1) **Steven Pasqualicchio**

(2) **confidential please?**

(3) **MS. REPORTER: Yes.**

(4) **MS. MASSIMI: Any mention of**  
(5) **FedEx's transgender employee at the**  
(6) **LGA Station, if you can just mark**  
(7) **that as confidential.**

(8) **MS. REPORTER: Yes.**

(9)

(10) (Whereupon, at this time the

(11) confidential portion of the

(12) transcript ended.)

(13)

(14) Q. Do you know whether Mr. Campbell ever

(15) complained of discrimination or retaliation to anyone

(16) while he was employed at FedEx?

(17) A. Mr. Campbell never complained to me

(18) about any discrimination or retaliation at FedEx.

(19) Q. Do you know if he ever complained to

(20) anyone?

(21) A. Like I said, I do not know if he

(22) complained to anyone but he never complained to me

(23) directly about any discrimination or retaliation

(24) while employed at FedEx.

(25) Q. Do you know if he ever complained of



(1) Steven Pasqualicchio

(2) any comments from Peter Lorenzi?

(3) **A. Like I said, he has never complained**  
(4) **to me about anything, retaliation or discrimination**  
(5) **to me directly about anything.**

(6) Q. So I am not suggesting -- I am not  
(7) suggesting anything to you. I am not suggesting that  
(8) you even have first hand personal knowledge of this.  
(9) I am just asking if you ever heard from any source,  
(10) not even necessarily Kevin Campbell, whether he has  
(11) ever complained about Peter Lorenzi?

(12) **MR. McGAHA: Objection to**  
(13) **form.**

(14) **A. I have no knowledge of him**  
(15) **complaining.**

(16) Q. Understood. When did you become aware  
(17) of this lawsuit?

(18) **A. When I was getting sued. Sorry, when**  
(19) **FedEx was getting sued last year, not me personally,**  
(20) **I apologize.**

(21) Q. That is fine. You understand that you  
(22) are not a defendant here; correct?

(23) **A. Right, correct.**

(24) Q. How did you become aware of the  
(25) lawsuit or did you become aware of this lawsuit

(1) Steven Pasqualicchio

(2) through any other FedEx employee?

(3) **A. Yes, ma'am.**

(4) Q. Who specifically told you about it?

(5) **A. FedEx Legal Team.**

(6) Q. Did you become aware of this lawsuit  
(7) through any source other than the FedEx Legal Team?

(8) **A. No, ma'am.**

(9) Q. Have you spoken to anyone at FedEx  
(10) other than members of the legal team regarding this  
(11) lawsuit?

(12) **A. No, ma'am.**

(13) Q. In other words, have you ever spoken  
(14) to Eric Wanders about this lawsuit?

(15) **A. No, ma'am.**

(16) Q. Have you ever spoken to Henry Nunez  
(17) about this lawsuit?

(18) **A. No, ma'am.**

(19) Q. Have you ever spoken to Nan  
(20) Malebranche about this lawsuit?

(21) **A. No, ma'am.**

(22) Q. What are the names of the managers or  
(23) what were the names of the managers at the LGA  
(24) Station in 2021?

(25) **A. Myself, Steven Pasqualicchio, Michael**

(1) **Steven Pasqualicchio**

(2) **Christoff, Henry Nunez, Monte Bovell, Michael**

(3) **Bradley, Frank Ontaneda, Robert Mejia, Eric Wanders**

(4) **who is the senior manager and Angel Flores.**

(5) Q. What is Michael Christoff's race?

(6) A. Sorry, in 2021, I don't recall when  
(7) Kelvin Recio became operations manager. I do not  
(8) know when this incident occurred and when he became  
(9) operations manager.

(10) Q. Who is the current operations manager?

(11) A. There are ten of us.

(12) Q. Right, so you do not know if Kelvin  
(13) Recio was there --

(14) A. Was promoted.

(15) Q. In 2021?

(16) A. I don't know if he was promoted yet as  
(17) operations manager during that time.

(18) Q. What race is Kelvin Recio?

(19) A. He is African American.

(20) Q. What race is Michael Christoff?

(21) A. I am sorry, I apologize, he is  
(22) Hispanic, Kelvin Recio is Hispanic.

(23) Q. What race is Christoff?

(24) A. African American.

(25) Q. What about Henry Nunez?

(1) Steven Pasqualicchio

(2) **A. Hispanic.**

(3) Q. What race is Monte Bovell?

(4) **A. African American. He is no longer**  
(5) **with FedEx but he is African American.**

(6) **MS. REPORTER: Can you spell**  
(7) **his last name please?**

(8) **MS. MASSIMI: B-O-V-E-L-L.**

(9) **MS. REPORTER: Thank you.**

(10) **MS. MASSIMI: No problem.**

(11) Q. What race is Michael Bradley?

(12) **A. White.**

(13) Q. What race is Frank Ontaneda?

(14) **A. Hispanic.**

(15) Q. What race a Robert Mejia?

(16) **A. Mejia.**

(17) Q. Mejia.

(18) **A. Hispanic, M-E-J-I-A, Mejia.**

(19) Q. What race is Eric Wanders?

(20) **A. White.**

(21) Q. I am sorry, Flores?

(22) **A. Hispanic, he is retired now.**

(23) Q. Who were the managers in 2020?

(24) **A. In 2020?**

(25) Q. Yes.

(1) Steven Pasqualicchio

(2) A. It was everybody that I just  
(3) mentioned.

(4) Q. Everyone that you just mentioned?

(5) A. Yes, but definitely not Kelvin Recio  
(6) at that moment.

(7) Q. Okay.

(8) A. Oh one other, James Kapatonkis. He  
(9) was the other operations manager.

(10) MS. REPORTER: Can you spell  
(11) that please?

(12) THE WITNESS: James, common  
(13) spelling, J-A-M-E-S. Last name is,  
(14) I may butcher it and I do apologize,  
(15) K-A-P-A-T-O-N-K-I-S.

(16) Q. What race is he?

(17) A. He is Greek.

(18) Q. Well like I said --

(19) A. White.

(20) Q. Right. He is a White person of Greek  
(21) decent?

(22) A. Yes.

(23) Q. Sorry. When did he work there as a  
(24) manager?

(25) A. Who James?

(1) **Steven Pasqualicchio**

(2) Q. Yes.

(3) A. **He was an operations manager before I**  
(4) **became an operations manager.**

(5) Q. So he has been there since before 2020  
(6) as an operations manager?

(7) A. **Yes, ma'am.**

(8) Q. Were you involved in the decision to  
(9) terminate Kevin Campbell's employment?

(10) A. **No, ma'am.**

(11) Q. Have you had any contact with Mr.  
(12) Campbell after he was terminated?

(13) A. **No, ma'am.**

(14) Q. Did you know Monte Bovell before he  
(15) was terminated?

(16) A. **Before who was terminated, Monte**  
(17) **Bovell?**

(18) Q. Monte, yes.

(19) A. **As an operations manager I know him.**

(20) Q. How would you describe Monte Bovell as  
(21) a manager?

(22) A. **He was a great manager. He cared for**  
(23) **his people, his people meaning his organization under**  
(24) **him, his direct reports. He cared for his direct**  
(25) **reports. He listened to your thoughts, comments,**

(1) **Steven Pasqualicchio**

(2) **concerns and was a good leader. He was a great**  
(3) **leader.**

(4) Q. How would you describe Henry Nunez as  
(5) a manager?

(6) A. He is a great person. He is a great  
(7) leader, a great personality. All our management  
(8) team, we all look out for our people and we do right  
(9) for our people. He is a good personality. Henry is  
(10) a good guy.

(11) Q. What was your perception of Kevin  
(12) Campbell when he worked at FedEx?

(13) A. Like I said, I had very minimal  
(14) contact with him as he did not work for me directly  
(15) and he was an a.m. employee and I am the p.m.  
(16) manager.

(17) Q. Understood. Yes, that is on the  
(18) record. My question is not suggesting anything  
(19) contrary to what you have said but you did have --  
(20) you know Kevin Campbell from work. You had inactions  
(21) with him even if those interactions were limited;  
(22) correct?

(23) A. Correct.

(24) Q. So what is your perception of Kevin  
(25) Campbell based on those interactions?

(1) Steven Pasqualicchio

(2) A. The two second hello and goodbye,  
(3) there is no perception. You know, he is an employee  
(4) of FedEx. If he is a good employee or a bad  
(5) employee, I can't say anything because I have no  
(6) contact really with him. I said that I know him at  
(7) FedEx but I have no contact with him.

(8) Q. Well when you say that you have never  
(9) had contact with him, you have spoken to him before;  
(10) correct?

(11) A. Yes, hello, goodbye.

(12) Q. Okay.

(13) A. I am a friendly person. Every  
(14) employee, hello, goodbye, I see you. Even if these  
(15) guys don't work for me, I say hello and goodbye to  
(16) every employee that I see there leaving for the day,  
(17) hello, goodbye, you be friendly, that is just who I  
(18) am.

(19) Q. Would you describe your perception of  
(20) Kevin Campbell that he was friendly, unfriendly,  
(21) somewhere in the middle or something else? How would  
(22) you describe your perception?

(23) A. I have no perception of him due to the  
(24) fact that I have no contact with him other than hello  
(25) and goodbye and that is all that I have.



(1) **Steven Pasqualicchio**

(2) Q. Have you ever heard anything about  
(3) Kevin Campbell? Have you ever heard anything  
(4) negative about Kevin Campbell's work performance  
(5) while he was at FedEx?

(6) **MR. McGAHA: Objection to**  
(7) **form.**

(8) A. I have no first hand knowledge because  
(9) I have not heard of anything negatively nor  
(10) positively. I have no contact with the gentleman.

(11) Q. Have you ever heard anything about  
(12) Kevin Campbell being a snitch?

(13) **MR. McGAHA: Objection to**  
(14) **form.**

(15) A. Like I said, I have no knowledge of  
(16) Kevin Campbell being a snitch nor not being a snitch.

(17) Q. Okay.

(18) A. I have no interaction with the  
(19) gentleman.

(20) Q. All I am asking you is if you ever  
(21) heard anyone refer to him as a snitch?

(22) **MR. McGAHA: Objection to**  
(23) **form.**

(24) A. I don't listen to hearsay nor has  
(25) anybody ever came to me directly and said that Kevin

(1) **Steven Pasqualicchio**

(2) **Campbell is a snitch.**

(3) Q. Understood. Have you ever heard  
(4) anything about Kevin Campbell being a snitch?

(5) **MR. McGAHA: Objection to**  
(6) **form.**

(7) **A. I am going to say it again. Nobody**  
(8) **came to me directly nor have I ever heard anything of**  
(9) **him being a snitch nor not being a snitch.**

(10) Q. Okay, sure. Have you ever heard  
(11) anything negative about Kevin Campbell's work  
(12) performance splitting the belt at the LGA Station?

(13) **MR. McGAHA: Objection to**  
(14) **form. You can answer.**

(15) **A. Splitting the belt? Can you elaborate**  
(16) **on what you mean by splitting the belt?**

(17) Q. Do you not -- go ahead.

(18) **A. I have no interaction with his work**  
(19) **duties. His work performance, I have no interaction.**  
(20) **He is an a.m. employee and I am a p.m. manager. So I**  
(21) **have no interaction with his work duties.**

(22) Q. So my question, I am not suggesting  
(23) that you have interactions with his work duties, I am  
(24) not suggesting that. I am asking you what you have  
(25) heard. If you have ever heard anyone say anything

(1) Steven Pasqualicchio  
(2) about Kevin Campbell's work performance? The answer  
(3) to that question might be no. The answer might be  
(4) yes and it might be no. I mean I don't know what the  
(5) answer is. My question is not ment to suggest what  
(6) you should be saying. Your answer is not going to  
(7) imply that you had supervisory authority over him. I  
(8) am just asking if you have ever heard anything  
(9) negative about his work performance?

(10) **MR. McGAHA: Objection to**  
(11) **form.**

(12) **A. I have not heard anything negatively**  
(13) **or positively about his work performance.**

(14) Q. Okay, understood. To be clear, you  
(15) never heard anyone say anything about Kevin  
(16) Campbell's work performance splitting the belt?

(17) **A. I have never heard of anything**  
(18) **negatively or positively about his performance, that**  
(19) **is his performance. I have not heard anything**  
(20) **negatively or positively about him splitting the**  
(21) **belt.**

(22) Q. What race is Peter Lorenzi?

(23) **A. He is --**

(24) Q. I am sorry, I might have already asked  
(25) you this. What race is Peter Lorenzi?

(1) Steven Pasqualicchio

(2) A. I don't think that you asked me about  
(3) that.

(4) Q. Okay, what raise is he?

(5) A. Peter Lorenzi seems to me to be White.

(6) Q. Are you able to offer or do you know  
(7) whether Kevin Campbell is truthful or untruthful?

(8) MR. McGAHA: Objection to  
(9) form.

(10) A. Kevin Campbell is untruthful what  
(11) pertains to me. He is a liar.

(12) Q. What specifically are you referring  
(13) to?

(14) A. What is pertaining to me in the  
(15) deposition.

(16) Q. You are referring to the complaint  
(17) that you reviewed?

(18) A. Yes, correct, that is what I meant,  
(19) yes.

(20) Q. Do you know Augusto Alzate?

(21) A. I know of him.

(22) Q. Do you know whether he still works for  
(23) FedEx?

(24) A. No, ma'am.

(25) Q. You don't know whether he still works

(1) Steven Pasqualicchio

(2) for FedEx?

(3) A. He doesn't work for FedEx.

(4) Q. Do you know why?

(5) A. No, ma'am, he didn't report to me so I  
(6) don't know the reason behind it.

(7) Q. Did you ever hear of an incident where  
(8) he was accused of pulling a box cutter on someone?

(9) A. I heard of it.

(10) Q. That is what I am asking you. So what  
(11) did you hear about that allegation against Augusto  
(12) Alzate?

(13) A. All I heard is that he pulled a box  
(14) cutter out and that is all that I heard.

(15) Q. What else did you hear about that  
(16) incident?

(17) A. All I heard was that he pulled a box  
(18) cutter out.

(19) Q. Did you hear who he pulled the box  
(20) cutter on?

(21) A. No, ma'am.

(22) Q. You do not know whether Augusto Alzate  
(23) was accused or it was alleged that he pulled a box  
(24) cutter during a physical altercation or during an  
(25) altercation with Kevin Campbell?

(1) Steven Pasqualicchio

(2) A. Ma'am, all I heard is that he pulled a  
(3) box cutter, Augusto Alzate pulled a box cutter on  
(4) someone.

(5) Q. Okay. Did Nan Malebranche ever speak  
(6) to you about the alligations regarding yourself that  
(7) you read in the complaint?

(8) A. No, ma'am.

(9) Q. Have you ever been responsible for  
(10) splitting the belt?

(11) A. Yes.

(12) Q. How long did you have that assignment,  
(13) sir?

(14) A. It could be a day, it could be two  
(15) days.

(16) Q. You know longer do that though;  
(17) correct?

(18) A. No, ma'am.

(19) Q. Because you are a manager; is that  
(20) right?

(21) A. Yes, ma'am.

(22) Q. Did you have occasion to be assigned  
(23) to splitting the belt during your entire tenure as a  
(24) currier?

(25) A. It all goes to your, the way splitting

(1) **Steven Pasqualicchio**

(2) **the belt would be, it goes to your assigned, your**  
(3) **position, your route that you are assigned to. Each**  
(4) **route has it's own assignments to that route. Before**  
(5) **you go on the road, like in the station, like saying**  
(6) **splitting the belt, like say that you are route 111,**  
(7) **route 111 is assigned to splitting the belt.**

(8) Q. When you split the belt, did you ever  
(9) miss freight?

(10) A. When I split the belt, no I do not.

(11) Q. You never missed freight while  
(12) splitting the belt?

(13) A. Not that I recall.

(14) Q. Is missing freight part of the job  
(15) with splitting the belt?

(16) A. No, ma'am. You have to split the  
(17) belt, there is no missing freight.

(18) Q. You never missed freight, not once?

(19) A. Not that I recall.

(20) Q. What happens when someone is splitting  
(21) the belt and they miss freight?

(22) A. Then it goes, it will wind up going to  
(23) another belt. It would go to a different belt then  
(24) you are splitting it from.

(25) Q. Do you know, do you know whether Kevin

(1) Steven Pasqualicchio  
(2) Campbell has claimed that someone at FedEx called him  
(3) Trayvon?

(4) A. Kevin Campbell never complained to me  
(5) about someone complaining to him. I am sorry,  
(6) someone saying to him being Trayvon so I have no  
(7) knowledge of that.

(8) Q. Do you believe that it is racist for a  
(9) person who is not Black to refer to a Black person as  
(10) Trayvon when that Black person's name is not Trayvon?

(11) MR. McGAHA: Objection to  
(12) form.

(13) A. I don't know the context of he or she  
(14) speaking saying Trayvon so I can't, I can't speak on  
(15) that.

(16) Q. Who is Trayvon?

(17) MR. McGAHA: Objection to  
(18) form.

(19) A. I don't know who Trayvon is.

(20) Q. Do you recognize the name Trayvon  
(21) Martin?

(22) A. Now that you are saying Trayvon  
(23) Martin, yes, I understand what you are saying now.

(24) Q. Who is Trayvon Martin?

(25) A. I do not know. I don't know him, I



(1) **Steven Pasqualicchio**

(2) **said that I heard the name.**

(3) Q. I understand that. I am not  
(4) suggesting that you know someone named Trayvon  
(5) Martin. When I say the name Trayvon Martin, you  
(6) recognize that name from the news, from past news  
(7) reports?

(8) A. **Yes, ma'am.**

(9) Q. Based on past news reports, what is  
(10) your understanding of who Trayvon Martin is?

(11) A. **It was an incident with the police**  
(12) **department.**

(13) Q. Was Trayvon Martin killed?

(14) A. **From my recollection, he was.**

(15) Q. Do you know the circumstances of his  
(16) death?

(17) A. **No, ma'am.**

(18) Q. Did you have an opinion on that news  
(19) story?

(20) A. **No, ma'am.**

(21) Q. Do you know whether he was killed in  
(22) self defense or something else?

(23) A. **No, ma'am.**

(24) Q. Do you know who George Zimmerman is?

(25) A. **That one I don't recall. That one, I**

(1) **Steven Pasqualicchio**

(2) **don't know.**

(3) Q. Do you know who George Floyd is?

(4) A. **Yes, ma'am, I heard of that in the**  
(5) **news as well.**

(6) Q. Based on news reports, what is your  
(7) understanding of who George Floyd is?

(8) A. **He was involved in a police involved**  
(9) **incident and he was killed.**

(10) Q. Police involved incident, what do you  
(11) mean by a police involved incident?

(12) A. **There was, he was in an incident**  
(13) **involved with the police and passed away.**

(14) Q. Did the police kill him in that  
(15) incident?

(16) A. **I don't know the outcome of it or what**  
(17) **happened, I just know that he was killed during the**  
(18) **thing with the police.**

(19) Q. Do you know how he died, specifically  
(20) what happened to him?

(21) A. **No, ma'am but it was involved with an**  
(22) **incident with the police. I don't know how the**  
(23) **gentleman passed away, the circumstances surrounding**  
(24) **it, that I could not tell you because I don't know, I**  
(25) **didn't follow it.**

(1) **Steven Pasqualicchio**

(2) Q. Do you know if any of those police  
(3) officers were arrested related to George Floyd's  
(4) death?

(5) A. I don't -- I can't recall that because  
(6) I did not follow it.

(7) Q. Do you recognize the name Derek  
(8) Chauvin?

(9) A. No.

(10) Q. Do you have any family members who are  
(11) in law enforcement?

(12) A. No, ma'am.

(13) Q. Are you familiar with the Black Lives  
(14) Movement?

(15) A. No, ma'am.

(16) Q. Well have you ever heard of Black  
(17) Lives Matter?

(18) A. Yes, I have.

(19) Q. What is your understanding of what  
(20) Black Lives Matter means or what it stands for?

(21) A. I would not know because I do not  
(22) follow it.

(23) Q. Do you know them to be a hate group?

(24) MR. McGAHA: Objection to  
(25) form.

(1) **Steven Pasqualicchio**

(2) **A. I do not know them because I do not**  
(3) **follow them.**

(4) **Q. Okay. Do you know when George Floyd**  
(5) **died, like the year?**

(6) **A. No, I don't.**

(7) **Q. Do you recall there being**  
(8) **demonstrations following George Floyd's death in New**  
(9) **York City?**

(10) **A. I don't remember where it occurred but**  
(11) **I do remember demonstrations. I don't know about New**  
(12) **York City or any other place but I do know that on**  
(13) **the news there were demonstrations surrounding his**  
(14) **death.**

(15) **Q. You saw news reports of demonstrations**  
(16) **that occurred following George Floyd's death;**  
(17) **correct?**

(18) **A. Correct, when I was flipping through**  
(19) **the TV on the news.**

(20) **Q. What is your assessment of the**  
(21) **coverage that you saw regarding those demonstrations,**  
(22) **sir?**

(23) **A. I do not have an assessment due to the**  
(24) **fact that I did not follow it.**

(25) **Q. Do you know if there was looting in**

(1) Steven Pasqualicchio

(2) New York City in 2020?

(3) A. I don't recall because like I said I  
(4) do not follow it.

(5) Q. Do you know whether there was any  
(6) rioting in New York City in the summer of 2020  
(7) following George Floyd's death?

(8) A. There were riots but I can't say when  
(9) it occurred because I don't know when this incident  
(10) occurred. You said summer, I can't honestly say when  
(11) exactly it occurred.

(12) Q. When you say that there were riots,  
(13) what do you mean, what was happening?

(14) A. Like I said, on the news it was saying  
(15) that people, you know were just having things in the  
(16) streets. You know, they are just running around in  
(17) the streets. That is all that I saw. I do not watch  
(18) the news. So people were running around in the  
(19) streets and that is all that I am seeing. I don't  
(20) follow this. I really don't watch TV that much.

(21) Q. Okay, I am just asking questions.

(22) A. No problem.

(23) Q. Do you know whether the NYPD responded  
(24) to these demonstrations in the summer of 2020?

(25) A. I can't tell you that because like I

(1) **Steven Pasqualicchio**

(2) **said I do not follow this.**

(3) Q. Okay. Do you believe that racism is a  
(4) problem in American?

(5) A. **Describe to me racism.**

(6) Q. Well actually do you have an  
(7) understanding of what racism is?

(8) A. **No, because I think that everybody is,**  
(9) **there is no racism to me, everybody is equal.**

(10) Q. Okay. I am not, I am just asking if  
(11) you are able to tell me what racism is, not whether  
(12) you have engaged in racism, just whether you have an  
(13) understanding of what racism is?

(14) A. **Like I said, I do not know what racism**  
(15) **is because to me everybody is equal.**

(16) Q. Okay.

(17) A. **There is no racism to me because**  
(18) **everybody is equal.**

(19) Q. Have you ever been subjected to  
(20) racism?

(21) A. **No, ma'am.**

(22) Q. Are you familiar with the phrase  
(23) reverse racism?

(24) A. **No, ma'am, I am not.**

(25) Q. Do you believe that reverse racism is

(1) Steven Pasqualicchio

(2) a legitimate thing?

(3) **MR. McGAHA: Objection to**  
(4) **form.**

(5) **A. I don't even know what reverse racism**  
(6) **is, I don't know what that is.**

(7) Q. That White people in this country are  
(8) subjected to racism.

(9) **A. I do not think that anybody is**  
(10) **subjected to racism, everybody is equal to me.**

(11) Q. Okay. Well is it fair to say that  
(12) everyone might be equal to you but that does not mean  
(13) that racism doesn't occur. Do you agree with that,  
(14) sir?

(15) **A. I, to me, racism may occur to you, you**  
(16) **may be racist against someone else but to me there is**  
(17) **no racism to me because everybody is equal.**

(18) Q. You do not watch the news you said?

(19) **A. No, I am a p.m. manager and by the**  
(20) **time that I get home I wash up and just relax.**

(21) Q. Right. You are considered an  
(22) essential worker; correct?

(23) **A. Yes.**

(24) Q. That was the case during COVID; is  
(25) that correct?

(1) Steven Pasqualicchio

(2) A. Yes, ma'am.

(3) Q. Or during the height of COVID --

(4) A. Correct.

(5) Q. In 2020?

(6) A. Yes, ma'am.

(7) Q. Do you know someone named Rob the  
(8) mechanic?

(9) A. Yes, I do.

(10) Q. What race is he?

(11) A. White.

(12) Q. Do you know if anyone ever accused  
(13) Kevin Campbell of stealing a TV?

(14) A. Kevin Campbell never came to me  
(15) directly about him being accused of stealing a TV so  
(16) I have no knowledge of that.

(17) Q. Do you believe it is racist for a  
(18) White person to baselessly accuse a Black person of  
(19) stealing a television?

(20) MR. McGAHA: Objection to  
(21) form.

(22) A. Like I said, that is all out of  
(23) context what the conversation is about. I don't  
(24) think, you know that anything to do with racism is  
(25) about stealing a TV or what he or she is talking



(1) **Steven Pasqualicchio**

(2) **about so I do not know the context of that**  
(3) **conversation so I can't answer you on that.**

(4) Q. Who is Jeffrey Durante?

(5) A. He is an employee of FedEx.

(6) Q. What is his race?

(7) A. White.

(8) MS. REPORTER: Is it

(9) D-U-R-A-N-T-E?

(10) MS. MASSIMI: Yes.

(11) MS. REPORTER: Thank you.

(12) MS. MASSIMI: You're welcome.

(13) Q. I am sorry, I think that I asked you  
(14) this. Michael Bradley, what is his race?

(15) A. He is White.

(16) Q. Who is David Almeda?

(17) A. He is an employee with FedEx.

(18) Q. What is his race?

(19) A. He appears to be Hispanic.

(20) Q. Did David Almeda ever say, open quote,  
(21) well in sum and substance regarding Kevin Campbell,  
(22) "Does that guy look like someone who would steal your  
(23) car radio and then try to sell it back to you?"

(24) A. No, ma'am, never happened.

(25) Q. If you had heard David Almeda making

(1) Steven Pasqualicchio  
(2) that statement to Kevin Campbell, as a manager, would  
(3) you have been obligated to take any type of action?

(4) A. Like I said in previous talks, I do  
(5) not know the context of that conversation, if he made  
(6) that to Kevin Campbell. I do not know the context of  
(7) their conversation. If Kevin Campbell came to me and  
(8) complained directly to me and complained about it  
(9) then I am obligated to make the complaint, only if he  
(10) came up to me and made a complaint about it.

(11) Q. Well if Kevin Campbell complained to  
(12) you and said that David Almeda said to him, "Doesn't  
(13) this guy look like someone who would steal your car  
(14) radio and then try to sell it back to you," would  
(15) you, as a manager, be required to take any action?

(16) A. I would be if he made a complaint  
(17) about it but he never made a complaint about it. He  
(18) is lying about it.

(19) Q. Okay, I understand that you are saying  
(20) that this never happened. I am admittedly asking you  
(21) about a hypothetical; okay?

(22) A. I can't answer hypothetical questions.

(23) Q. You are a manager at FedEx; is that  
(24) correct?

(25) A. Yes, ma'am.

(1) **Steven Pasqualicchio**

(2) Q. You are an accomplished person; is  
(3) that right?

(4) A. Yes, ma'am.

(5) Q. Okay, I am asking you based on your  
(6) life and your work experience to simply access a  
(7) statement and that is all. The statement is, "Does  
(8) this guy look like someone who would steal your car  
(9) radio and then try to sell it back to you?" If you  
(10) heard David Almeda say that to Kevin Campbell, as a  
(11) FedEx Manager, do you have an obligation to take  
(12) action?

(13) A. Okay, like I said previously, it all  
(14) depends on the conversation, what he or she, Kevin  
(15) Campbell and David Almeda are talking about. I  
(16) overhear them talking, I do not know the context of  
(17) the story. If Kevin Campbell came to me and made a  
(18) complaint about it, then I have an obligation to  
(19) follow-up on it but that never happened so I am not  
(20) going to answer hypothetical questions. If I  
(21) overheard something, I do not know the context of  
(22) their conversation, so I do not act on something that  
(23) I am overhearing. You do not know the context of  
(24) that conversation.

(25) Q. But if someone is making a racist

(1) Steven Pasqualicchio

(2) statement, why does context matter to you?

(3) **MR. McGAHA: Objection to**  
(4) **form.**

(5) Q. I guess what I am asking you is, are  
(6) there things that are objectively offensive,  
(7) objectively inappropriate, inappropriate regardless  
(8) of context?

(9) A. If he or she employee feels that it is  
(10) offensive, what the other employee is saying to them,  
(11) employee meaning like manager or currier, the same  
(12) thing, we are all employees of FedEx, he or she  
(13) employee feels that it is offensive to them or racist  
(14) against them, discriminatory against he or she, then  
(15) they come to management and make a complaint about it  
(16) so management can take action on it. I, overhearing  
(17) things, you cannot take things that you hear,  
(18) everything that you hear, hearsay, and just  
(19) automatically go and complain, automatically take it  
(20) to, I am sorry, automatically take it to HR. They  
(21) have to complain to us directly.

(22) Q. Is there anything that you can think  
(23) of that you would be required to take action on upon  
(24) hearing it without a complaint?

(25) **MR. McGAHA: Objection to**

(1) Steven Pasqualicchio

(2) form.

(3) A. No.

(4) Q. Racial slurs?

(5) MR. McGAHA: Objection to

(6) form.

(7) Q. You hear a racial slur, say you hear a  
(8) racial slur from a White person to a Black person on  
(9) the job, do you need to know the context to know that  
(10) this should not happen in the workplace?

(11) MR. McGAHA: Objection to

(12) form.

(13) A. The context of the conversation, I  
(14) don't know the context of their conversation so I am  
(15) not going to take action on every word that you hear.  
(16) Those two employees talking to each other, they could  
(17) be talking to each other between themselves, that is  
(18) their private conversation. I am not going to, if I  
(19) overheard a word, I don't know what he or she is  
(20) talking about and I am not going to say hey, he or  
(21) she what are you guys talking about and hone in on  
(22) their conversation. If she or she felt like it was  
(23) racist, they are more than willing and able to come  
(24) to any member of management and file a complaint on  
(25) that other employee.

(1) Steven Pasqualicchio

(2) MS. MASSIMI: Let me just show  
(3) you the complaint. I am going to  
(4) show you the complaint and we are  
(5) going to go over a couple of things  
(6) and then we will be done.

(7) THE WITNESS: Okay.

(8) MS. MASSIMI: Mary Ellen, can  
(9) I e-mail this to you?

(10) MS. REPORTER: Yes, of course,  
(11) please.

(12) MS. MASSIMI: Okay, great.  
(13) Mr. McGaha, would you like me to  
(14) e-mail you a copy of the complaint  
(15) as well?

(16) MR. MCGAHA: I have it.

(17) MS. MASSIMI: I am now going  
(18) to put it on the screen. Can we  
(19) just deem it marked as Plaintiff's  
(20) Exhibit Number 1 and then we are  
(21) going to look at our own copies;  
(22) okay?

(23) MS. REPORTER: Okay.

(24) (Whereupon, the complaint was  
(25) deemed marked as Plaintiff's Exhibit

(1) **Steven Pasqualicchio**

(2) **Number 1 for identification, as of**

(3) **this date by the reporter.)**

(4) Q. Mr. Pasqualicchio, I am going to ask  
(5) you questions about a document that has been deemed  
(6) marked for the purpose of today's deposition as  
(7) Plaintiff's Exhibit Number 1. It is the initial  
(8) complaint filed in this case. There should be a red  
(9) stamp at the top generated by the court when this was  
(10) filed on October 26th of 2023. It is a ten page  
(11) document. Do you see it?

(12) A. I do not have the document in front of  
(13) me.

(14) MR. McGAHA: What is it? The  
(15) complaint is not a ten page  
(16) document. Is that what you are  
(17) talking about?

(18) MS. MASSIMI: Yes, the  
(19) complaint. The initial complaint.

(20) MR. McGAHA: I am looking at  
(21) the document, Exhibit 1 and it is  
(22) eighteen pages.

(23) MS. MASSIMI: I am sorry, give  
(24) me one second, I apologize.

(25) Q. Mr. Pasqualicchio, I am showing you a

(1) Steven Pasqualicchio  
(2) document that we have deemed marked for the purpose  
(3) of today as Plaintiff's Exhibit Number 1. It is an  
(4) eighteen page document bearing docket number 22CV7662  
(5) and it has like a red filing stamp indicating when  
(6) this was filed on December 16th of 2020. Do you see  
(7) this document?

(8) A. I do not have the document in front of  
(9) me, my lawyer does. Do I have to look at his  
(10) document?

(11) Q. I mean I thought that is what we had  
(12) agreed to do.

(13) MS. MASSIMI: Are you going to  
(14) show him this document?

(15) MR. McGAHA: Yes.

(16) Q. Can you take a look at paragraph 24  
(17) please Mr. Pasqualicchio and read the content of that  
(18) paragraph to yourself and let me know when you  
(19) are done?

(20) A. Which paragraph?

(21) Q. 24.

(22) A. I am going to read it now. Okay, I  
(23) read it.

(24) Q. Do you see the portion of this  
(25) paragraph here where it quotes a statement that says,



(1) Steven Pasqualicchio

(2) "Black people are always making excuses about why  
(3) they can't do things. This is why I hate working  
(4) with Black people." Do you see that?

(5) A. Yes, ma'am.

(6) Q. Do you believe that is an acceptable  
(7) statement to make in the workplace?

(8) MR. McGAHA: Objection to  
(9) form.

(10) A. I can't comment on quotes because you  
(11) don't know if that is factual or not.

(12) Q. If you heard this statement in the  
(13) workplace, would you believe that it was against  
(14) FedEx employment policies?

(15) A. I would have to -- each case is  
(16) different. If I heard that, you know I would have to  
(17) consult with HR and take the next step from there.

(18) Q. You do know Peter Lorenzi; is that  
(19) right?

(20) A. Yes, ma'am.

(21) Q. Do you have a personal friendship or  
(22) relationship outside of the workplace with Mr. Peter  
(23) Lorenzi?

(24) A. No, ma'am.

(25) Q. Can you please go to paragraph number

(1) Steven Pasqualicchio

(2) 42?

(3) **A. Yes, I am here.**

(4) Q. Can you please read the contents of  
(5) paragraph numbers 42 and 43 to yourself and let me  
(6) know when you are done?

(7) **A. Okay. You said 42 and 43?**

(8) Q. Yes.

(9) **A. Okay, I read them.**

(10) Q. Okay. The statements contained in  
(11) these two paragraphs, are those against the workplace  
(12) policies of FedEx?

(13) **A. Not that I, not that I know of. I do**  
(14) **not have the policy in front of me, if there is a**  
(15) **policy pertaining to it.**

(16) Q. Well is there a policy pertaining to  
(17) that?

(18) **A. Like I said, I don't know if there is**  
(19) **a policy pertaining to this or and I don't have any**  
(20) **policies in front of me so I can't, I do not know**  
(21) **every policy verbatim.**

(22) Q. Do you need to see the FedEx policy on  
(23) employment discrimination in order to determine  
(24) whether the statements that you just reviewed in  
(25) paragraphs 42 and 43 are against the workplace

(1) Steven Pasqualicchio

(2) standards of FedEx?

(3) A. Yes, I would have to have the policy  
(4) in front of me.

(5) Q. Okay, give me one second.

(6) MS. MASSIMI: I am going to  
(7) use the policies. Well I want to  
(8) use the policies that were marked at  
(9) plaintiff's deposition.

(10) Off the record for just a  
(11) moment.

(12) (Whereupon, at this time, a  
(13) discussion was held off the record.)

(14) MS. MASSIMI: Back on the  
(15) record.

(16) Can you read back the last  
(17) question and answer back please Mary  
(18) Ellen?

(19) MS. REPORTER: Sure.

(20) (Whereupon, at this time, the  
(21) requested portion of the transcript  
(22) was read back by the reporter.)

(23) MS. MASSIMI: Sir, I have  
(24) e-mailed four exhibits to your  
(25) attorney that were previously marked

(1) Steven Pasqualicchio  
(2) at plaintiff's deposition on  
(3) December 7th of 2023. At that  
(4) deposition they were marked as  
(5) Defendant's Exhibit 4, Defendant's  
(6) Exhibit 5, Defendant's Exhibit 6 and  
(7) Defendant's Exhibit number 7. For  
(8) the purpose of today we are going to  
(9) deem them marked as Plaintiff's  
(10) Exhibit Numbers 2 through 5  
(11) respectively.

(12) (Whereupon, policies were  
(13) deemed marked as Plaintiff's Exhibit  
(14) Numbers 2 through 5, collectively,  
(15) for identification, as of this date  
(16) by the reporter.)

(17) Q. Sir, can you take a look at these  
(18) documents and let me know if these are the policies  
(19) that you are referring to that you said that you need  
(20) to review in order to determine if the statements  
(21) contained within those paragraphs of the complaint  
(22) are against FedEx policies?

(23) A. We do not have them in front of us.

(24) MS. MASSIMI: Mr. McGaha, do  
(25) you have them in front of you?

(1) **Steven Pasqualicchio**

(2) **MR. McGAHA: No.**

(3) **MS. MASSIMI: Okay, we will**  
(4) **wait a minute then. They are**  
(5) **probably loading.**

(6) **MR. McGAHA: Okay, I got them.**  
(7) **Which one are you looking at?**

(8) **Q.** I was asking the witness to tell me  
(9) whether he believed that the statements contained in  
(10) paragraphs 42 and 43 of the complaint are racist  
(11) statements? Mr. Pasqualicchio, the statements that  
(12) you reviewed in paragraphs 42 and 43 of the  
(13) complaint, do you believe that those are racist  
(14) statements?

(15) **A.** If he or she employee feels that they  
(16) are racist, they would have to come and make a  
(17) complaint to the manager but I don't feel they are  
(18) racist.

(19) **Q.** Then I believe that I also said are  
(20) those statements contained in paragraphs 42 and 43 of  
(21) the complaint, do you believe that those statements  
(22) are in violation of FedEx's workplace policies;  
(23) right?

(24) **MR. McGAHA: Objection to the**  
(25) **form.**

(1) **Steven Pasqualicchio**

(2) Q. No, do you recall me asking you that,  
(3) Mr. Pasqualicchio?

(4) A. Yes, I do recall you asking about  
(5) that.

(6) Q. I am just trying to reorient us.

(7) A. Yes.

(8) Q. So I previously asked you whether you  
(9) believed the statements contained in paragraphs 42  
(10) and 43 of the complaint violated FedEx's workplace  
(11) policies?

(12) A. Where in the policies are you  
(13) referencing to?

(14) Q. Right, we are going to get there. We  
(15) are going to get there. So what I am asking you now  
(16) is, whether you believe the statements contained in  
(17) paragraphs 42 and 43 of the complaint violate FedEx's  
(18) workplace policies?

(19) A. Like I said, where in the policy are  
(20) we talking about? What section of the policy are you  
(21) talking about because I do not know each policy  
(22) verbatim? They are long policies, I don't know.  
(23) Explain to me what part of the policy you are  
(24) referencing and then I can elaborate on your  
(25) question.

(1) **Steven Pasqualicchio**

(2) Q. Okay, so I then have e-mailed four  
(3) policies that perhaps you may be a party to.

(4) A. Okay, there are four policies there.  
(5) You are asking me to read all four policies. You are  
(6) going to have to give me quite a bit of time to read  
(7) all four policies verbatim. Can you explain to me  
(8) which policy you are referencing?

(9) Q. We are going to take it step-by-step,  
(10) Mr. Pasqualicchio. I have not asked you to read  
(11) anything yet; right?

(12) A. You said policy referencing to the  
(13) policy and that is what I am doing. You tell me  
(14) which policy that you are referencing.

(15) Q. Let's just take a step back for a  
(16) second. I have not asked you to read any of the  
(17) policies yet; correct?

(18) A. Correct, but you are asking me per  
(19) policy so it is the same thing, per policy.

(20) Q. What policies are you saying that you  
(21) need to review in order to --

(22) A. Well --

(23) Q. Hold on a second. Hold on just a  
(24) second, Mr. Pasqualicchio. My question is whether  
(25) the statements contained in paragraphs 42 and 43, in

(1) Steven Pasqualicchio

(2) your opinion, do they violate FedEx's workplace  
(3) policies?

(4) A. Which policy are you referencing to  
(5) because --

(6) Q. Sir, sir, hold on a second.

(7) A. You are asking me a question. You are  
(8) asking me a question and you said don't cut you off  
(9) and I am not trying to cut you off but you are  
(10) cutting me off every time that I am trying to reply,  
(11) ma'am.

(12) Q. Because I think that there is some  
(13) confusion, mutual confusion here. I am not saying  
(14) that you are confused.

(15) MR. McGAHA: Why don't we take  
(16) five.

(17) MS. MASSIMI: Yes, sure, no  
(18) problem. Why don't we come back at  
(19) 12:50 p.m.; is that okay?

(20) MR. McGAHA: How much more do  
(21) you have?

(22) MS. MASSIMI: We can go off  
(23) the record for this.

(24) (Whereupon, at this time, a  
(25) discussion was held off the record.)



(1) **Steven Pasqualicchio**

(2) **MS. MASSIMI: Back on the**  
(3) **record.**

(4) **Counsel and I have just had a**  
(5) **conversation about this and we are**  
(6) **going to proceed with this**  
(7) **questioning.**

(8) Q. Mr. Pasqualicchio, the question that I  
(9) am asking you is in regards to the content of  
(10) paragraphs 42 and 43 in the complaint. Do you  
(11) believe that the statements that are described in  
(12) paragraphs 42 and 43 of the complaint violate any of  
(13) FedEx's policies?

(14) A. Paragraphs 42 and 43, I don't think  
(15) that they do. I would say no.

(16) Q. Just for the record, I have sent you  
(17) four workplace, four FedEx policies that were to be  
(18) deemed marked for the purpose of today as Plaintiff's  
(19) Exhibits 2, 3, 4 and 5; correct? You have those in  
(20) front of you?

(21) A. Yes, ma'am.

(22) **MR. McGAHA: Just so we are**  
(23) **clear, when you said paragraphs 42**  
(24) **and 43, are you understanding what**  
(25) **she is saying to be the quoted**

(1) **Steven Pasqualicchio**

(2) **language only or are you considering**  
(3) **all of the entire paragraphs?**

(4) **THE WITNESS: Just the quoted**  
(5) **statement, what she said, where it**  
(6) **says --**

(7) Q. Let me just ask it again. The  
(8) situation, the scenario that is described, the  
(9) entirety of the scenario including the verbal and  
(10) nonverbal things that are described in the contents  
(11) of paragraphs 42 and 43 of the complaint, is that  
(12) against any of FedEx's policies?

(13) A. If you are the person that it is being  
(14) said to, if you feel that it is violating FedEx's  
(15) policy, then you can complain but I do not feel that  
(16) because I have to read -- I am sorry, I take that  
(17) back. I have to, you know, be present for that  
(18) situation to understand the contents of it, the  
(19) contents of that conversation.

(20) Q. Can you please go down to paragraph 50  
(21) of the complaint?

(22) A. 5-0 you said?

(23) Q. Yes. Please read that paragraph to  
(24) yourself and let me know when you are done.

(25) A. Sure. Yes, I finished it.

(1) **Steven Pasqualicchio**

(2) Q. Jeffery Durante, I believe that you  
(3) testified that -- did you say Jeffery Durante is  
(4) White or Latino or Hispanic or something else, Mr.  
(5) Pasqualicchio? I am sorry, I can't remember exactly  
(6) what you said.

(7) A. White.

(8) Q. And Kevin Campbell, he is Black;  
(9) correct?

(10) A. I said African American.

(11) Q. Okay, African American, fair enough.  
(12) Do you believe the statement that is quoted in  
(13) paragraph 50 of the complaint is racist?

(14) MR. McGAHA: Objection to  
(15) form.

(16) A. I swear that you asked this to me  
(17) already. You asked me previously in the testimony  
(18) and this is what I am saying. What I said before  
(19) was, I don't know the context of their conversation  
(20) so I can't comment on anything like that. I don't  
(21) know the context of what they were talking about,  
(22) their whole conversation so I can't say.

(23) Q. Assuming there is no other context, is  
(24) this statement here about the cage a racist  
(25) statement?

(1) Steven Pasqualicchio

(2) MR. McGAHA: Objection to

(3) form.

(4) A. I don't assume things. I am not  
(5) assuming.

(6) Q. I am giving you a scenario, Mr.  
(7) Pasqualicchio. I am giving you a scenario. This  
(8) statement that is written here, is that a racist  
(9) statement?

(10) MR. McGAHA: Objection to

(11) form.

(12) A. I said there is a context to the story  
(13) and you are giving me a scenario and I don't assume  
(14) things. So I am not assuming. I see that you are  
(15) saying this statement in number 50 and I do not know  
(16) the context of what they were talking about so I  
(17) cannot comment on that.

(18) Q. Sir, I am not asking you to assume  
(19) anything. I am asking you to look at what is written  
(20) here and actually assume nothing other than what is  
(21) written here. So based on what is written here, is  
(22) that a racist statement?

(23) MR. McGAHA: Objection to

(24) form.

(25) A. Well you did say a couple of seconds

(1) **Steven Pasqualicchio**

(2) **ago, you did say assume and like I said, I can't**  
(3) **comment on what is -- you don't know the whole**  
(4) **context of the story of what they are talking about**  
(5) **and then what is in quotations, I can't comment on**  
(6) **something in quotations because I do not know the**  
(7) **context of their whole conversation and you are**  
(8) **asking me to assume things.**

(9) Q. There is no other context written here  
(10) though; correct?

(11) A. The whole conversation is not written  
(12) there.

(13) Q. Was there more to this conversation,  
(14) sir?

(15) A. I don't know, you tell me.

(16) Q. I am telling you to look at the  
(17) statement here. You just said, "I do not know the  
(18) rest of their conversation." No one said that there  
(19) was more to this conversation, you said that.

(20) A. Just like you are telling me to  
(21) assume. What I am looking at here, I don't know  
(22) their whole conversation, if there was more to the  
(23) conversation or not, I don't know, I was not present  
(24) at this.

(25) Q. I am asking you to look at paragraph

(1) Steven Pasqualicchio

(2) 50 and to not assume that there was more to this  
(3) conversation.

(4) A. Okay. I am not going to say anything  
(5) about 50 if you are telling me not to assume that  
(6) there is more to the conversation because it could be  
(7) that they are reading a book, talking about a book,  
(8) reading something in the newspaper. It could be  
(9) anything. Children's books talk about stuff so I do  
(10) not know what else to say.

(11) Q. Well we are just going to have to keep  
(12) doing this until there is some understanding.

(13) A. That is fine then.

(14) Q. I am asking you to not assume.

(15) A. You did ask me to assume.

(16) Q. No, I am not. I am asking you to read  
(17) paragraph 50 and tell me whether you believe this  
(18) statement quoted here is a racist statement based on  
(19) what is contained in paragraph 50?

(20) MR. McGAHA: Counselor, I  
(21) believe that he has answered your  
(22) question.

(23) MS. MASSIMI: I don't believe  
(24) that he has.

(25) MR. McGAHA: Counselor you

(1) Steven Pasqualicchio  
(2) have asked it many times and I don't  
(3) believe that his answer has changed  
(4) and I do not believe that it is  
(5) going to.

(6) MS. MASSIMI: I do not believe  
(7) that he has answered my question.  
(8) In fact, he has not answered my  
(9) question.

(10) MR. McGAHA: I believe that he  
(11) has answered your question,  
(12) counselor.

(13) MS. MASSIMI: He hasn't.

(14) MR. McGAHA: He has.

(15) MS. MASSIMI: I am going to  
(16) ask it again. I am sorry?

(17) MR. McGAHA: He has answered  
(18) your question.

(19) MS. MASSIMI: I don't believe  
(20) that he has.

(21) MR. McGAHA: Well we can just  
(22) stay here all day then.

(23) Q. Paragraph 50, just to be clear sir, I  
(24) am not asking you to assume that there was more to  
(25) this conversation or that there was more -- in fact,

(1) Steven Pasqualicchio

(2) there is no conversation even alleged here in  
(3) paragraph 50; am I correct?

(4) **A. Yes, you are correct, yes.**

(5) Q. So I am not asking you to assume that  
(6) there was more or less then what is contained in this  
(7) paragraph.

(8) **A. Okay.**

(9) Q. So this paragraph says that an  
(10) individual walked up to Mr. Campbell, who was  
(11) standing near a cage; correct? It says that;  
(12) correct?

(13) **A. It does not say an individual.**

(14) Q. I mean I can quote what this first  
(15) sentence says. It says, "In or around July of 2020,  
(16) "JC" and Jeffery Durante," who is JC?

(17) **A. You tell me.**

(18) Q. Do you recognize that?

(19) **A. There are two initials, JC, I don't**  
(20) **know what JC means.**

(21) Q. Does anyone at LGA go by JC, to your  
(22) knowledge?

(23) **A. Not to my knowledge.**

(24) Q. Do you know anyone at LGA with those  
(25) initials?



(1) Steven Pasqualicchio

(2) A. JC, there could be hundreds of people  
(3) there.

(4) Q. This says, "For example in or around  
(5) July of 2020, "JC" and Jeffery Durante, Plaintiff's  
(6) co-workers, walked over to Campbell who was standing  
(7) near a cage where packages are stored." Do you see  
(8) that there?

(9) A. Yes, I do.

(10) Q. Would you agree that there is no  
(11) conversation alleged here?

(12) A. I can't agree because I am not there.  
(13) I can't agree if there was no conversation prior to  
(14) them walking over or previous or during that time, I  
(15) can't agree because I wasn't there.

(16) Q. What I am asking you is, would you  
(17) agree that no conversation is described here in this  
(18) sentence?

(19) A. I can't speculate on that, I can't  
(20) agree nor disagree.

(21) Q. What the first sentence says is, "For  
(22) example in or around July of 2020, "JC" and Jeffrey  
(23) Durante, Plaintiff's co-workers, walked over to  
(24) Campbell who was standing near a cage where packages  
(25) are stored." That sentence does not allege that any

(1) Steven Pasqualicchio

(2) words were exchanged; correct?

(3) A. I can't say yes or no because you  
(4) don't know what they were talking about prior to  
(5) that. I can't say anything, I don't know.

(6) Q. Well do you have any reason to believe  
(7) that they were engaged in a conversation prior to  
(8) that?

(9) A. I would not know, I was not there.

(10) Q. Sir, that is kind of my point. This  
(11) sentence simply says that two people walked over to  
(12) Campbell; correct?

(13) A. It says that two people walked over to  
(14) him, that is correct.

(15) Q. Is there anything in this sentence to  
(16) indicate that words were exchanged?

(17) A. If they walked over to Kevin, right,  
(18) there were words exchanged. So what is the whole  
(19) conversation? You are putting into quotations about  
(20) the cage, the gorilla that you are. What is the  
(21) whole conversation that they spoke about? I can't  
(22) just use the quotations because there is probably  
(23) other stuff spoken about. I do not want to  
(24) speculate.

(25) Q. What leads you to believe that there

(1) Steven Pasqualicchio

(2) was probably other stuff spoken about?

(3) A. If they are walking over to someone  
(4) speaking to someone then there is other stuff  
(5) probably spoken about, I don't know, I wasn't there.  
(6) I wasn't present when this happened.

(7) Q. You were not present but yet you are  
(8) saying that there was other stuff probably spoken  
(9) about.

(10) A. You are asking me to comment on this,  
(11) what they said. What is the whole context of their  
(12) conversation?

(13) Q. This is.

(14) A. They said one thing to him in  
(15) quotations? What is the whole context of the  
(16) conversation?

(17) Q. The whole context sir is what is  
(18) contained in paragraph 50.

(19) A. I am going to say for the last time  
(20) because I am not going to say it again.

(21) Q. Wait, it is not going to be the last  
(22) time.

(23) A. It will be because I will be quiet  
(24) then, I will stay silent.

(25) Q. I am sorry?

(1) Steven Pasqualicchio

(2) A. It will be the last time because I  
(3) will stay silent.

(4) Q. No, it is not going to be the last  
(5) time, sir. We are going to keep talking about it  
(6) because it sounds like maybe you have spoken to other  
(7) people about this and you are leaving that out of  
(8) your testimony.

(9) MR. McGAHA: I think that we  
(10) might need to file for a Protective  
(11) Order. I am speaking to Ms.  
(12) Massimi. Ms. Massimi, he has no  
(13) business answering questions about  
(14) this anyway. I mean he has nothing  
(15) to do with this. He is nowhere near  
(16) this in the complaint.

(17) MS. MASSIMI: That is not the  
(18) point.

(19) MR. McGAHA: I don't believe  
(20) that Judge Henry is going to allow  
(21) you to continue to ask him any  
(22) questions like this about this  
(23) paragraph.

(24) MS. MASSIMI: If you want to  
(25) file for a Protective Order, are you

(1) Steven Pasqualicchio

(2) saying that you are going to make a  
(3) motion for a Protective Order?

(4) MR. McGAHA: If you are saying  
(5) that we are going to be here all  
(6) day.

(7) MS. MASSIMI: I did not say  
(8) that.

(9) THE WITNESS: Yes, you did.

(10) MS. MASSIMI: Sir.

(11) MR. McGAHA: Why don't we come  
(12) back in five.

(13) MS. MASSIMI: Okay, that is  
(14) fine.

(15) Wait a second, wait a second,  
(16) hold on. I just want to say  
(17) something. I can ask him whether he  
(18) believes what these sentences mean  
(19) are offensive and if these sentences  
(20) were racist and if these statements  
(21) were offensive or against FedEx's  
(22) policies.

(23) MR. McGAHA: He has answered  
(24) your question.

(25) MS. MASSIMI: No, he has not.

(1) Steven Pasqualicchio

(2) MR. McGAHA: He is not  
(3) required to say yes or no if he does  
(4) not have a yes or no answer.

(5) MS. MASSIMI: Of course, I  
(6) agree with you. If he can't give me  
(7) a definitive answer, then he should  
(8) just say that. Saying that there  
(9) was probably -- what he has said  
(10) actually is that there was probably  
(11) more words exchanged when in fact  
(12) there is nothing in this paragraph  
(13) to indicate that. So if his  
(14) response is I cannot definitively  
(15) answer this, that is one thing but  
(16) if he is going to start saying that  
(17) there was probably more words  
(18) exchanged, I am going to have more  
(19) questions about that because there  
(20) is nothing here to indicate that  
(21) there was a conversation. So I do  
(22) not know if he spoke to someone and  
(23) believes that there was a  
(24) conversation. I don't know if  
(25) someone told him that.

(1) Steven Pasqualicchio

(2) MR. McGAHA: Maybe you should  
(3) ask him.

(4) MS. MASSIMI: That is what I  
(5) am attempting to do.

(6) MR. McGAHA: I mean I don't  
(7) remember you asking him that  
(8) question. In fact, yes I do. I  
(9) remember him saying about ten times  
(10) that he has not spoken to anyone  
(11) about this because he wasn't there.  
(12) He wasn't there and he has not  
(13) spoken to anyone about this and he  
(14) does not know anything about this.

(15) MS. MASSIMI: I mean if his  
(16) statement is that he can't tell me  
(17) definitively whether this quoted  
(18) statement here about the cage is  
(19) offensive, then that is his response  
(20) but I do not believe that he has  
(21) said that.

(22) MR. McGAHA: That does not  
(23) have --

(24) MS. MASSIMI: Instead he has  
(25) said that he can't assess that

(1) Steven Pasqualicchio  
(2) statement because he wasn't there  
(3) and all sorts of other stuff about  
(4) their, according to him, probably  
(5) having been other conversations that  
(6) is not here which is not the case.  
(7) That is not what is in the  
(8) allegation.

(9) MR. McGAHA: To be fair, this  
(10) allegation is not isolated even by  
(11) your own words. It starts with the  
(12) words, "for example," so it is not  
(13) simply only considered what is in  
(14) paragraph 50 because you are giving  
(15) an example of something that you are  
(16) stating previously.

(17) MS. MASSIMI: Okay.

(18) MR. McGAHA: The previous  
(19) paragraph says, "Defendant's  
(20) discrimination and retaliation  
(21) against Campbell continued."

(22) MS. MASSIMI: Okay, my  
(23) question is --

(24) MR. McGAHA: Then you are  
(25) saying, "for example." So I mean



(1) **Steven Pasqualicchio**  
(2) **you are alleging that this is**  
(3) **discriminatory in the complaint.**

(4) **MS. MASSIMI: Okay.**

(5) Q. My question then is essentially and  
(6) this is the problem because I don't actually want to  
(7) say these words, this is the issue. So I am just  
(8) going to, as a last resort, I am just going to quote  
(9) what is actually said here; okay? So let's just  
(10) proceed and let's forget about the complaint for a  
(11) second; okay sir?

(12) **A. Okay.**

(13) Q. So forget about what is said in the  
(14) complaint.

(15) **A. Okay.**

(16) Q. I am going to ask your opinion about a  
(17) statement and I find this language --

(18) **MR. McGAHA: I am sorry for**  
(19) **interrupting but are we on the**  
(20) **record? Are we on the record right**  
(21) **now?**

(22) **MS. MASSIMI: Yes, we are on**  
(23) **the record.**

(24) **MS. REPORTER: Yes counselor,**  
(25) **we are.**

(1) **Steven Pasqualicchio**

(2) **MR. McGAHA: Okay.**

(3) **MS. MASSIMI: We have been**  
(4) **talking on the record this whole**  
(5) **time.**

(6) **MR. McGAHA: Okay.**

(7) Q. Perhaps part of the issue is that I am  
(8) not myself saying this statement; okay?

(9) **A. Okay.**

(10) Q. So because I believe that I am having  
(11) trouble getting an answer to this question, I am  
(12) going to quote the language that I am asking you  
(13) about. Which to be clear, I find to be offensive  
(14) language and I would prefer to not have to quote it  
(15) but I am going to because I think that there is some  
(16) confusion having you read the complaint. So leaving  
(17) the complaint aside, so forget about the complaint  
(18) for a second.

(19) **A. Okay.**

(20) Q. It looks like you are reading  
(21) something.

(22) **A. No.**

(23) Q. I just want to be clear that right now  
(24) I am not going to ask you about the allegations in  
(25) the complaint.

(1) Steven Pasqualicchio

(2) **A. Okay.**

(3) Q. I am going to say something to you and  
(4) I am going to ask you to give me your assessment;  
(5) okay sir?

(6) **A. Okay.**

(7) Q. Do you believe, and it is a yes or no  
(8) response. Do you believe that it is racist or racial  
(9) harassment for a White person to say to a Black  
(10) person, "How about I put you in that cage like the  
(11) gorilla you are?"

(12) **A. No, I do not believe that it is racist**  
(13) **because like I said previously, all people are equal,**  
(14) **White, Black, Hispanic, Asian, everybody is equal,**  
(15) **there is no racism to me.**

(16) Q. Okay. Do you know whether Kevin  
(17) Campbell drove his own personal vehicle to and from  
(18) work when he worked at FedEx?

(19) **A. I have no knowledge of him having a**  
(20) **vehicle or not. I cannot answer that one, I have no**  
(21) **knowledge of that.**

(22) Q. You do not know if he drove a BMW when  
(23) he was working?

(24) **A. I don't know if he drove any vehicle**  
(25) **to work.**

(1) **Steven Pasqualicchio**

(2) Q. Did you ever hear anything about his  
(3) vehicle being keyed at work or scratched up?

(4) A. I never heard or known of any  
(5) knowledge of him having a vehicle at all.

(6) Q. Understood. Do you know whether Kevin  
(7) Campbell lived with a partner or a girlfriend when he  
(8) worked at FedEx?

(9) A. Not to my knowledge, I do not get  
(10) personal. Hold on there is something echoing  
(11) somewhere.

(12) MS. MASSIMI: I think that I  
(13) am done. I think that I am done  
(14) now. I do not have any further  
(15) questions.

(16) MR. McGAHA: Okay, I do not  
(17) have any questions.

(18) THE WITNESS: Are we good?

(19) MS. MASSIMI: Yes, I don't  
(20) have any further questions, Mr.  
(21) Pasqualicchio.

(22) THE WITNESS: Okay, take care  
(23) then.

(24) MR. McGAHA: Thank you,  
(25) everyone and enjoy the rest of your

(1) **Steven Pasqualicchio**

(2) **day.**

(3) **MS. REPORTER: You too,**

(4) **counselor.**

(5)

(6)

(7) (Whereupon, at 1:20 p.m. the

(8) Examination of this Witness was

(9) concluded.)

(10)

(11)

(12)

(13) -----  
STEVEN PASQUALICCHIO

(14)

(15)

(16) Subscribed and sworn to before me

(17)

(18) this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

(19)

(20)

(21) -----  
NOTARY PUBLIC

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I N D E X

WITNESS

STEVEN PASQUALICCHIO

EXAMINATION BY

MS. MASSIMI

PAGE

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(4)

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C E R T I F I C A T E

STATE OF NEW YORK )

: SS.:

COUNTY OF RICHMOND )

I, MARY ELLEN NICHOLSON, a Notary Public  
for and within the State of New York, do  
hereby certify:

That the witness whose examination is  
hereinbefore set forth was duly sworn and  
that such examination is a true record of the  
testimony given by that witness.

I further certify that I am not related  
to any of the parties to this action by blood  
or by marriage and that I am in no way  
interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set  
my hand this 8th day of March, 2024.

A handwritten signature in black ink, reading "Mary Ellen Nicholson", is written over a horizontal dashed line.

MARY ELLEN NICHOLSON

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February 29, 2024

(1) ERRATA SHEET FOR: STEVEN PASQUALICCHIO

(2) STEVEN PASQUALICCHIO, being duly sworn, deposes and  
(3) says: I have reviewed the transcript of my  
(4) proceeding taken on 02/29/2024. The following  
(5) changes are necessary to correct my testimony.

(6) -----

(7) PAGE LINE CHANGE REASON

(8) ---- | ---- | ----- | -----

(9) ---- | ---- | ----- | -----

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(21) Witness Signature: \_\_\_\_\_

(22) Subscribed and sworn to, before me

(23) this \_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

(24) \_\_\_\_\_

(25) (NOTARY PUBLIC) MY COMMISSION EXPIRES

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